



General Assembly

Date: General
26 April 2017

Original: English

Human Rights Council

Thirty-fifth session

6-23 June 2017

Agenda item 9

Racism, racial discrimination, xenophobia and related
forms of intolerance, follow-up to and implementation
of the Durban Declaration and Programme of Action

**Report of the Special Rapporteur on contemporary forms of
racism, racial discrimination, xenophobia and related
intolerance submitted pursuant to General Assembly
resolution 71/179**

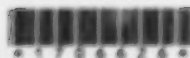
Note by the Secretariat

In his report, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance addresses developments that he has identified with regard to the continuing human rights and democratic challenges posed by extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements. The Special Rapporteur remains deeply concerned by the problem of extremist ideologies, including populist movements and continued expressions of glorification of Nazism by some groups, in a global economic context where the gap between the rich and the poor is widening and where the global distribution of wealth has never been so unequal.

The Special Rapporteur notes his past recommendations to the General Assembly and to the Human Rights Council made on the issue remain applicable.

The Special Rapporteur summarizes the general trends identified to date with regard to the human rights and democratic challenges that extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements, continue to pose. He underlines the link between populist movements and extremist ideologies and warns about the dangers to vulnerable groups and minorities. He concludes the report by reiterating his previous conclusions and recommendations.

CE.17-06626(E)



Please recycle



Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance submitted pursuant to General Assembly resolution 71/179

I. Introduction

1. The present report is submitted to the Human Rights Council pursuant to General Assembly resolution 71/179, in which the Assembly requested the Special Rapporteur to prepare, for submission to the Council at its thirty-fifth session, a report on the implementation of that resolution on combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance, based on the views of Governments and non-governmental organizations. The Assembly also requested another report to be submitted to it, at its seventy-second session, on the same matter.

2. The General Assembly specifically expressed deep concern about the glorification, in any form, of the Nazi movement, neo-Nazism and former members of the Waffen SS organization, including by erecting monuments and memorials and holding public demonstrations glorifying the Nazi past, the Nazi movement and neo-Nazism, as well as by declaring or attempting to declare such members and those who fought against the anti-Hitler coalition and collaborated with the Nazi movement participants in national liberation movements.

3. The General Assembly also re-emphasized the recommendation of the Special Rapporteur that any commemorative celebration of the Nazi regime, its allies and related organizations, whether official or unofficial, should be prohibited by States (see A/71/325, para. 68), emphasizing that such manifestations do injustice to the memory of the countless victims of the Second World War and negatively influence children and young people. In this regard, the Special Rapporteur stresses the importance for States to take measures in accordance with international human rights law to counteract any celebration of the Nazi SS organization and all its integral parts, including the Waffen SS. Failure by Member States to effectively address such practices is incompatible with their obligations under the Charter of the United Nations.

4. Furthermore, in its resolution 71/179, the General Assembly expressed concern about recurring attempts to desecrate or demolish monuments erected in remembrance of those who fought Nazism during the Second World War, as well as to unlawfully exhume or remove the remains of such persons, and in that regard urged Member States to fully comply with their relevant obligations, inter alia, under article 34 of the protocol additional to the Geneva Conventions of 12 August 1949, relating to the protection of victims of international armed conflicts.

5. In addition, the General Assembly noted with concern the increase in the number of racist incidents worldwide, including the rise of skinhead groups, which have been responsible for many such incidents, as well as the resurgence of racist and xenophobic violence targeting, inter alia, persons belonging to national or ethnic, religious and linguistic or other minorities, including arson attacks on houses and vandalizing of schools and places of worship.

6. The General Assembly reaffirmed that such acts may be qualified as falling within the scope of the Convention, that they may not be justified when they fall outside the scope of the rights to freedom of peaceful assembly and of association as well as the rights to freedom of expression, and that they may fall within the scope of article 20 of the International Covenant on Civil and Political Rights potentially being subject to certain restrictions, as set out in articles 19 and 21-22 of the Covenant.

7. In the same resolution, the General Assembly expressed deep concern about commercial advertising attempts aimed at exploiting the suffering of the victims of war

crimes and crimes against humanity committed during the Second World War by the Nazi regime. It also stressed that the practices described in its resolution 71/179 do injustice to the memory of the countless victims of crimes against humanity committed in the Second World War, in particular those committed by the SS organization and by those who fought against the anti-Hitler coalition and collaborated with the Nazi movement, and may negatively influence children and young people. Failure by States to effectively address such practices is incompatible with the obligations of States Members of the United Nations under its Charter, including those related to the purposes and principles of the Organization.

8. The General Assembly also recalled the recommendation of the Special Rapporteur presented at the sixty-fourth session of the Assembly, in which he emphasized the importance of history classes in teaching the dramatic events and human suffering which arose out of the adoption of ideologies such as Nazism and Fascism (see A/64/295, para. 104). It further stressed the importance of other positive measures and initiatives aimed at bringing communities together and providing them with space for genuine dialogue, such as round tables, working groups and seminars, including training seminars for State agents and media professionals, as well as awareness-raising activities, especially those initiated by civil society representatives, which require continued State support.

9. In the present report, and in accordance with the practice established in previous reports, the Special Rapporteur outlines once again the trends he has identified over the years with regard to the continuing human rights and democratic challenges posed by extremist political parties, movements and groups, including neo-Nazis, skinhead groups and similar extremist ideological movements, in the context of the current economic crisis. He notes that, regrettably these trends and patterns have continued unabated during the reporting period.

II. Information received relating to the existence of extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and similar extremist ideological movements

10. During the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001, and as expressed in the Durban Declaration and Programme of Action which followed, States recognized that political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination were incompatible with democracy and accountable governance.

11. The Special Rapporteur notes that extremist political parties, movements and groups have continued to gain influence in several countries and regions. The continued effects of the global financial and economic crisis that started in 2008 and of globalization have led to the most unequal distribution of wealth in recent history and to the rise of populist and extremist political movements and ideas that easily target the most vulnerable, such as migrants, refugees and minority groups.

12. The European Consortium for Political Research, in a recent publication, underlined the link between the effects of the economic crisis and the rise of populist movements and ideas:

In several countries, new political actors emerged forcefully during the crisis on both the radical right and the radical left, ... while already established parties of the radical right were reinforced. In addition, some countries saw the rise of new populist contenders rallying against the old political order. Everywhere, the crisis contributed to the erosion of existing party systems. In the countries hardest hit, the economic crisis developed into a deep political crisis. In some countries, it gave rise to intense social unrest, including mass mobilization and the occasional use of street violence, and even led to the rise of political extremism on both the right and the left. In other countries, it caused tectonic changes in the established party system architecture ... and even party system collapse. We should not forget, however, that

populism ... has been a long-term process that has already been well under way at the time of the ... Great Recession.¹

13. The Special Rapporteur on extreme poverty and human rights, Philip Alston, also raised the alarm in his 2015 report to the Human Rights Council on the rising inequalities of income and distribution of wealth, highlighting the fact that economic inequality was often accompanied by political inequality, meaning that not all citizens were able to equally exercise their democratic rights (see A/HRC/29/31, paras. 8, 10 and 19).

14. Similarly, the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, Juan Pablo Boboslavsky, in his report on his visit to institutions of the European Union, warned about the growing inequalities of income and wealth in the European Union and made reference to a recent report by the European Union Agency for Fundamental Rights, that deplored not only an increase in the number of persons at risk of poverty or social exclusion and in homelessness, but also warned about increased social unrest and violent expressions of extremist ideology and xenophobia in the context of the economic crisis, impairing civil and political rights (see A/HRC/34/57/Add.1, para. 40).

15. In this regard, the Special Rapporteur notes that, in two distinct political campaigns in Western Europe and North America, populist ideology gained the upper hand and resulted in a rise in attacks against migrants, refugees and members of minority communities following the result of the votes.

16. He expresses continuous and deep concern at the persistence of violent incidents based on nationalism, racism, xenophobia and related intolerance worldwide.

17. The Special Rapporteur is deeply concerned about the growing influence of extremist political parties, movements or groups in several countries. In Eastern Europe and North America, there has been a continuous trend of parliamentary seats as well as leading governmental positions won by representatives of extremist political parties, or by political leaders with populist views. A number of far-right and populist political parties and movements have gained ground in local and national parliamentary elections in these regions as well as in Western European countries, including in the European Parliament. The Special Rapporteur expresses grave concern about the fact that such parties are gaining influence, as this trend has resulted in the implementation of discriminatory measures, policies and bills at the local or national levels. He recalls the importance for democratic parties to promote programmes and activities based on the respect of human rights and fundamental freedoms. According to information received, some European Governments have contributed to fuelling hatred and hostility towards migrants and minority groups, for example through controversial populist campaigns and racist and xenophobic public statements.

18. The Special Rapporteur expresses grave concern at the increase of populist language and hate speech in political discourse, even among mainstream political parties. Allegations regarding a racist statement by a Member of Parliament in a Southern European country have been received, as well as allegations of incitement to discrimination and violence against minority groups by a prominent member of a political party in South-East Asia. As underlined in his thematic report of 2016 (A/HRC/29/47), the Special Rapporteur expresses concern at the coalitions formed between mainstream and extremist parties, and recalls that mainstream political parties should clearly and publicly condemn expressions of racism, xenophobia and related violence.

19. The Special Rapporteur also expresses concern regarding the implementation of specific counter-terrorism measures, especially in certain Western countries. Such measures often grant great discretionary power to police forces, especially when it comes to identity checks, and could lead to further discrimination and violence towards minority groups.

¹ Hanspeter Kriesi and Takis S Pappas, eds., *European Populism in the Shadow of the Great Recession*. (Colchester, ECPR Press, 2015).

including a rise in discriminatory profiling measures by law enforcement officials targeted at migrants and minority communities.

20. The targeting of vulnerable groups, such as migrants and refugees, is still a growing phenomenon. Muslims and Jews, persons of African descent, indigenous people and members of the Roma community continue to be stigmatized and subjected to violence, insecurity and intolerance through arson attacks on houses or acts of vandalism on places of worship and schools. As already stated in previous reports, minority groups are increasingly being blamed for high unemployment rates, cuts in social benefits and rising poverty.

21. The Special Rapporteur recalls that such expressions of racism and xenophobia, as well as the use of extremist rhetoric for the purpose of re-election, should be condemned. Moreover, political leaders should deal appropriately with social and economic issues, especially during periods of economic recession. According to information received, Muslims have been stigmatized and Muslim women wearing headscarves have been threatened. Some attacks on imams and mosques have also been reported in certain regions.

22. The Special Rapporteur has also received reports on alleged discriminatory laws and policies against the Roma community, especially in Eastern Europe. The level of discrimination, violence and threat faced by indigenous peoples, especially in some Latin American countries, is also worrisome. The Special Rapporteur is deeply concerned by the stigmatization of migrants and refugees and strongly condemns the building of walls and political barriers against people in need of international protection. According to information received, refugees, migrants and asylum seekers have faced mass expulsions, threats to their physical and mental well-being, "pushbacks" and have been refused entry, in violation of the principle of non-refoulement, particularly in Europe and North Africa. The Special Rapporteur also notes an important increase in acts of ill-treatment and poor conditions in reception centres and in transit zones worldwide.

23. The Special Rapporteur remains concerned about allegations of excessive use of force against unarmed migrants, refugees and asylum seekers, either by law enforcement officers or police forces in the context of forced evacuations, arrests and mass expulsions. Cases of extremism in police forces and allegations of torture by officers have also been reported. Allegations of police forces openly promoting far-right and xenophobic ideas in the exercise of their official positions as guardians of public order and civil servants of the State have been brought to the attention of the Special Rapporteur (see A/HRC/23/24, A/HRC/29/47 and A/HRC/32/49).

24. The reluctance of some officers to intervene to stop harassment, verbal abuse or violent attacks and/or to receive complaints from victims of racist and xenophobic crimes, particularly migrants and those from minority groups, and to investigate those incidents, is particularly worrying. These different elements reinforce the existing trend of unreported racist crimes, creating a climate of fear that results in for victims being reluctant to report incidents to the appropriate authorities, especially if they are in a precarious or irregular situation. This lack of trust is exacerbated by language barriers and ignorance of their rights (see A/HRC/23/24 and A/HRC/29/4), and creates an atmosphere of impunity for perpetrators of such crimes.

25. The Special Rapporteur recommends that States and civil society organizations establish accurate and up-to-date data, disaggregated by sex and ethnicity, particularly regarding irregular migrants and asylum seekers, as well as detailed systems for recording, reporting and monitoring such incidents and for encouraging victims to report them. The Special Rapporteur is also concerned at allegations of increasing police involvement in crimes of sexual and gender-based violence against women of African descent and women from ethnic minorities, which often go unreported or are not thoroughly investigated.

26. The Special Rapporteur also expresses concern at the glorification of Nazi movements in specific areas. He notes the recurrence of populist practices that fuel contemporary forms of racism and pose a challenge to the protection and consolidation of democracy and human rights, and the protection of vulnerable groups of individuals against racist and xenophobic crimes.

27. In this regard, the Special Rapporteur received allegations of incidents that glorify and promote Nazism, such as pro-Nazi graffiti and paintings of swastikas on monuments dedicated to victims of the Holocaust or in Jewish schools. He reiterates his condemnations of such acts and reminds States that commemorations of the Nazi regime, in all forms, should be prohibited.

28. The Special Rapporteur recalls the International Day of Commemoration in Memory of the Victims of the Holocaust and the importance of education to prevent all forms of anti-Semitism and discrimination, as stated by the United Nations High Commissioner for Human Rights in his statement on 27 January 2017.² Education is one of the most efficient means to combat Holocaust denial and revisionism by extreme right-wing groups.

29. The Special Rapporteur recalls that it is necessary to criminalize acts of belittlement or denial, as such acts create a favourable environment for the dissemination and rehabilitation of Nazism and other extremist ideologies, and constitute hate speech under article 4 (a) of the International Convention on the Elimination of All Forms of Racial Discrimination.

30. The Special Rapporteur raises concerns on the use of the Internet and social media by extremist parties and groups, including populist movements, to spread intolerant hate-speech and gain supporters worldwide by posting public materials that fuel racism and violence. The Special Rapporteur expresses serious concern regarding the lack of sanctions in cases of violation of legislation related to social media in many States. Online hate speech is rarely sanctioned by justice systems and conviction rates are very low. The Internet and social media are also used to spread hate speech and discriminatory political discourse based on race, religion and, in particular, against minority groups, refugees, Muslims, Jews and members of the Roma community.

31. Allegations of violent acts perpetrated by certain populist, far-right and neo-Nazi groups against minority groups often involve homosexual, bisexual, lesbian and transgender individuals. The same groups that attack and discriminate racial and ethnic minorities are also involved in attacks against individuals based on their sexual identity.

32. The Special Rapporteur recalls the need to promote tolerance, respect of diversity and common understanding. The multiplicity of components of each individual's identity can lead to intersectional discrimination, which needs to be addressed by States. The Special Rapporteur notes with concern the growing trend in underreported racial crimes against homosexual, bisexual, lesbian and transgender persons, which can be considered as interlinked forms of discrimination.

33. The Special Rapporteur has already expressed grave concern regarding the increasing use of racist symbols, slogans and banners during sports events (see A/HRC/26/50, A/HRC/29/47 and A/HRC/32/49). Considering the influence of professional athletes on young people and the increase in racist incidents, the Special Rapporteur urges States to take all measures necessary to address this problem and the violence spread by extremist groups of supporters. He would like to recall the provisions of Human Rights Council resolution 13/27 regarding the need for States, sport federations and regional or international organizations to intensify the fight against racism in sport, as sport is and should remain a means of bringing cultures together, and a way to overcome social and political divisions.

III. Conclusions and recommendations

34. The Special Rapporteur reiterates the recommendations contained in his previous reports to the Human Rights Council and the General Assembly, as they remain valid and current. They are presented again below, clustered by thematic area for easy reference.

² See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21124&LangID=E.

A. Political measures

35. While the Special Rapporteur notes with appreciation that several States have made significant efforts to counter extremist political parties, groups and movements, he reiterates the need for greater vigilance and condemnations of all messages disseminating ideas based on racial superiority or hatred. Political leaders and parties must be aware of their moral duty and should use their leading position to promote tolerance and respect. The Special Rapporteur also welcomes the increase in good practices that should be exchanged among all actors working in this field. However, important challenges remain and a comprehensive approach based on a solid legal framework and completed by other measures, such as education, awareness-raising programmes and a victim-centred approach, should be further developed. States should also address the increasing discrepancy in distribution of income and wealth and realize that the consequences of this disparity fuels populist rhetoric and extremist ideologies. (See A/HRC/23/24, para. 37, A/HRC/26/50, para. 50, A/HRC/29/47, paras. 43-44, and A/HRC/32/49, paras. 17-18.)

B. Legislative measures

36. The Special Rapporteur appreciates the information received regarding the ratification of a range of instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination, and the inclusion of the Convention in national legal and constitutional frameworks. He calls upon States that have not yet done so to ratify the Convention and to make the declaration under article 14. This will allow the Committee on the Elimination of Racial Discrimination to receive and consider communications from groups or individuals claiming to be victims of a violation by a State party of any of the rights set forth in the Convention.

37. The Special Rapporteur would like to recall that paragraph 13 of the outcome document of the Durban Review Conference states that any advocacy of national racial or religious hatred should be prohibited by law, as should be the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination as well as all acts of violence or incitement to such acts.

38. The Special Rapporteur notes that several States have introduced into their criminal codes a provision stating that the commission of any offence with racist, xenophobic, anti-Semitic or homophobic motivations or aims constitutes an aggravating circumstance attracting heavier sanctions, not only for their instigators but also their followers.

39. The Special Rapporteur would, however, like to underline the need for the States to ensure the full and effective implementation of legal, policy and institutional measures protecting minority groups. States should also ensure that these groups are being effectively granted, without discrimination of any kind, the right to security, access to justice, adequate reparation, legal aid and medical and psychological assistance. States should also facilitate better reporting of such crimes.

40. States have an obligation to prosecute the perpetrators of crimes with racist, xenophobic or anti-Semitic motivations, as well as to fight against impunity. Therefore, States should ensure prompt and thorough investigation into such crimes, and that those responsible are adequately sanctioned. (See A/HRC/23/24, para. 31, A/HRC/26/50, paras. 52-53, A/HRC/29/47, paras. 45-47, and A/HRC/32/49, paras. 19-21.)

C. Education and capacity-building

41. As stated in his previous reports, the Special Rapporteur would like to recall that formal and non-formal education remains one of the most effective means of countering the negative influence that extremist movements, political parties and groups may have on young people. States should recognize the importance of

education in combating racism, racial discrimination, xenophobia and related intolerance, in deconstructing prejudices and in promoting the principles of respect and tolerance for ethnic, religious and cultural diversity (see A/HRC/23/56, para. 57).

42. The Special Rapporteur recommends the implementation of comprehensive and mandatory human rights trainings for law enforcement officials and members of the judiciary, with a focus on racist and xenophobic crimes perpetrated by individuals linked to extremist political parties, groups and movements. This would reinforce their capacity to address crimes motivated by racist, xenophobic, anti-Semitic or homophobic biases. (See A/HRC/26/50, para. 54, A/HRC/29/47, paras. 49-50, and A/HRC/32/49, para. 23.)

D. Holocaust denial

43. The Special Rapporteur reiterates his absolute condemnation of any denial or attempt to deny the Holocaust, as well as all manifestations of religious intolerance, incitement, harassment or violence against persons or communities based on ethnic origin or religious belief. He urges States to implement effective legislative and educational measures in order to prevent revisionism of the Second World War, the denial of the Holocaust and the Nazi genocide. He recalls the importance of the preservation of the sites that served as Nazi death camps, concentration and forced labour camps and prisons. (See A/HRC/29/47, para. 56, and A/HRC/32/49, para. 24.)

E. Disaggregated data

44. The Special Rapporteur maintains his previous recommendations concerning the importance of collecting disaggregated data and statistics on racist, xenophobic, anti-Semitic and homophobic crimes in order to identify the types of offences committed, the characteristics of the victims and of the perpetrators and whether they are affiliated with an extremist political party, movement or group. States should allocate adequate resources to improve the quality of data-collection systems while involving the civil society in the process, which is to be undertaken in such a way as to guarantee the protection of privacy. The collection of such data would enhance a better understanding of the phenomenon and identify effective measures to be taken to address these crimes. (See A/70/335, paras. 84-92.)

F. Internet and social media

45. The Special Rapporteur reiterates his concerns regarding the increasing use of the Internet and social media to promote and disseminate racist content. All opportunities should be taken in order to counter the dissemination of such ideas based on racial superiority or hatred and to promote the principles of respect, non-discrimination, diversity and democracy. The Special Rapporteur would like to recall the States' obligations under articles 19 and 20 of the International Covenant on Civil and Political Rights. States should adopt measures to counter extremist ideas and biases, while strengthening freedom of expression, which plays a crucial role in promoting democracy and combating racist and xenophobic ideologies. (See A/HRC/26/49, paras. 65-70.)

G. Sport

46. The Special Rapporteur would like to emphasize the key role of sports in promoting cultural diversity, tolerance and respect. He would also like to recall paragraph 218 of the Durban Programme of Action, which urges States, in cooperation with the International Olympic Committee, intergovernmental organizations and international and regional sports federations, to intensify the fight against racism in sport by educating the youth of the world through sport practised

without discrimination of any kind and in the Olympic spirit. The Special Rapporteur reiterates his recommendations on strengthening measures to prevent xenophobic incidents at sporting events. (See A/69/340, paras. 61 and 64-66.)

H. Civil society

47. As stated in his previous reports (see A/HRC/26/50, para. 58, A/HRC/29/47, para. 57, A/HRC/32/49, para. 28, and A/71/325, para. 81), the Special Rapporteur recalls the importance of strengthening cooperation with civil society and regional and international human rights mechanisms to counter extremist political parties, movements and groups. Civil society organizations and institutions play an important part in collecting data and information as they work closely with victims. Their contribution should be emphasized and the sharing of good practices should be reinforced among all relevant stakeholders. The Special Rapporteur reiterates his recommendations concerning the development of appropriate programmes by national human rights institutions to promote tolerance and respect for all and to collect all relevant information. (See also A/71/301, paras. 84-85.)



General Assembly

Distr.: General
19 May 2017
English
Original: French

Human Rights Council

Thirty-fifth session

6-23 June 2017

Agenda item 10

Technical assistance and capacity-building

Report of the Independent Expert on the enhancement of capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights*

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Independent Expert on the enhancement of capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights, Mohammed Ayat.

The report provides an account of the fifth visit by the Independent Expert to Côte d'Ivoire from 10 to 17 January 2017 and covers the period from 28 May 2016 to 15 April 2017. It sets out the present status of the recommendations made in the reports on previous missions. The Independent Expert emphasizes that his visit also enabled him to continue a dialogue with the authorities of Côte d'Ivoire on their needs for the enhancement of capacity-building in the field of the protection and promotion of human rights.

The mission coincided with the entry into force of a number of amendments to the Constitution, which were adopted by referendum on 30 October 2016, and particularly the appointment of the Vice-President of the Republic. It also coincided with a ministerial reshuffle. The Independent Expert was, nonetheless, able to meet representatives of the Ivorian authorities, and, in particular, the Minister of Justice, the Minister of Human Rights and Civil Liberties and the Minister of Women, Child Protection and Solidarity, formerly the Minister of Solidarity, Social Cohesion and Compensation of Victims.

The Independent Expert also held meetings with the Chair of the National Human Rights Commission of Côte d'Ivoire, the Chair of the Independent Electoral Commission, the Vice-Chair of the National Commission for Reconciliation and Compensation of Victims and the Ombudsman of the Republic. He met senior judges, including the Prosecutor General of Abidjan Court of Appeal and the government prosecutor of the Abidjan court of major jurisdiction responsible for coordination with the special investigation unit. He also held discussions at a number of meetings with representatives of civil society, including human rights non-governmental organizations (NGOs) and victims' associations. In addition, he paid a follow-up visit to the Juvenile Observation Centre.

Furthermore, the independent Expert held a meeting with the Special Representative of the Secretary-General for Côte d'Ivoire and with representatives of the United Nations

* The present report was submitted late in order to reflect the most recent developments.



specialized agencies present in Côte d'Ivoire. Lastly, he had the opportunity to hold an exchange of views with the diplomatic corps at a meeting for diplomats accredited in Côte d'Ivoire and to hear their thoughts on the present state of the country.

The Independent Expert wishes to thank the Ivorian authorities for having agreed to welcome him to Côte d'Ivoire and for their open and sincere cooperation. He also wishes to express his gratitude to all those whom he was able to meet in order to gather useful information and discuss issues relating to his mission.

Lastly, the Independent Expert would like to extend his warm thanks to the United Nations operation in Côte d'Ivoire and the Office of the United Nations High Commissioner for Human Rights for their valuable technical and logistical support.

**Report of the Independent Expert on the enhancement of
capacity-building and technical cooperation with Côte
d'Ivoire in the field of human rights**

Contents

	<i>Page</i>
I. Introduction	4
II. General situation in the country	4
A. Economic situation	4
B. Security situation	4
C. Political situation	5
III. Status of human rights institutions	6
A. Ministry of Human Rights and Civil Liberties	6
B. Ministry of Solidarity, Social Cohesion and Compensation of Victims	6
C. National Human Rights Commission of Côte d'Ivoire	7
IV. Human rights situation	8
V. Transitional justice and national reconciliation	9
A. Dialogue, Truth and Reconciliation Commission	9
B. Criminal justice	10
C. Military justice	11
D. Abidjan Detention and Correctional Centre	11
VI. Situation of children in conflict with the law	12
VII. Constitutional and legislative reforms	13
VIII. Conclusion and recommendations	14
A. Conclusion	14
B. Recommendations	16

I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 32/30, adopted on 26 June 2016, in which the Council requested the Independent Expert to present a report and his final recommendations at its thirty-fifth session. The report covers the period from 28 May 2016 to 15 April 2017 and is the outcome of the Independent Expert's fifth visit to Côte d'Ivoire, which took place from 10 to 17 January 2017.

2. The present report is issued in the particular context of the imminent and definitive withdrawal of the United Nations Operation in Côte d'Ivoire (UNOCI). This mission began 13 years ago, on 4 April 2004, under Security Council resolution 1528 (2004) of 27 February 2004 and will end on 30 June 2017, under Security Council resolution 2284 (2016) of 28 April 2016. The departure of the mission poses a major challenge with regard to the need to consolidate the considerable achievements made in Côte d'Ivoire in a number of areas, including national reconciliation and social cohesion; the promotion and protection of human rights; the reform of the defence, security and law-enforcement sectors; the demobilization, disarming and reintegration of former combatants; the management of weapons and civilian disarmament; and communication.

3. These achievements are, first and foremost, the achievements of all Ivorians, who have actively contributed to bringing them about with the support of the international community. In that regard, the Independent Expert wishes to stress that the international community should continue to support Côte d'Ivoire in its efforts to bring about a satisfactory transition towards the full resumption of its rightful role as the protector and promoter of human rights in its territory. Specifically, this includes both safeguarding and consolidating the achievements of a United Nations mission that has largely been successful, in order to prevent any risk of the situation deteriorating following the departure of UNOCI. This departure, while necessary, could turn out to be premature in the light of the evolving situation in the country.

4. The mission of the Independent Expert, who was appointed by the Human Rights Council to support Côte d'Ivoire in the areas of capacity-building and technical cooperation, also ends in June 2017, coinciding with the final departure of UNOCI.

II. General situation in the country

A. Economic situation

5. Côte d'Ivoire has continued to make economic and social progress. This is a very positive and hopeful development. Since 2012, the average annual economic growth rates have been close to double figures. However, the situation presents significant challenges. First, Côte d'Ivoire should strive to maintain this positive momentum by ensuring that economic progress is accompanied by a solid foundation of social peace and political stability. The country's rapid expansion could be undermined by social unrest if grievances are not addressed in good time through sustained dialogue and consultation.

6. In that regard, it must be stressed that, in order for economic progress to be perpetuated, it is necessary for the Government to continue implementing and strengthening a proactive economic policy that ensures that the strategy for macroeconomic development in such fields as infrastructure, institutions and finance is accompanied by a parallel human development in the areas of education, health and social justice, particularly for the benefit of the most vulnerable sectors of the population.

B. Security situation

7. Although efforts to bring about national reconciliation in Côte d'Ivoire have begun to bear fruit, the process remains a slow and fragile one. In this regard, it should be noted that, in January 2017, increased social unrest within the armed forces and the civil service

crimes occasionally disrupted the lives of residents, particularly in the city of Bouaké. This reflects a certain social malaise that the Government of Côte d'Ivoire has worked to address. If dialogue and mediation are insufficient to deal with social unrest, that unrest could undermine advances in the area of national reconciliation and damage the security and human rights situation in Côte d'Ivoire. It is essential that the international community should continue to support Côte d'Ivoire in order to strengthen its security and stability.

8. Alarmed by the tension caused by social unrest, the Independent Expert issued a press release on 20 January 2017, following his fifth mission, in which he invited all partners to continue calmly engaging in dialogue, making use of mediation and retaining a sense of responsibility. Although the restoration of calm demonstrates the sound negotiating ability of the Government of Côte d'Ivoire, the Independent Expert stresses the importance of remaining vigilant and encourages the Government to adopt a proactive approach to ensure that action is taken before social tensions build over.

9. The Independent Expert wishes to emphasize that national reconciliation is critical for the present and the future of Côte d'Ivoire. It will be very difficult to build lasting peace and stability in Côte d'Ivoire if serious efforts are not made to heal the wounds of the past. As the Government is fully aware, it is a question of undertaking a long, costly, sometimes painful but utterly essential national process. In that connection, the Independent Expert recalls that the President of the Republic, in his inaugural speech of 4 November 2015, made national reconciliation a priority for his second term.

C. Political situation

10. The Independent Electoral Commission, as the standing constitutional body responsible for organizing elections in Côte d'Ivoire, played a pivotal role in the organization of the 2015 presidential elections. In 2016, it enabled the constitutional referendum of 30 October and the legislative elections of 18 December to take place under peaceful, inclusive conditions. Local elections are due to take place in 2018, when the current mandates of locally elected officials will come to an end.

11. The fact that these elections could be held in free and transparent conditions reflects well on the Independent Electoral Commission. The legislative elections enabled deputies to be elected in 253 of the 255 vacant seats, the Constitutional Council having requested that elections should be held again in two constituencies. It should be noted that the branch of the Front populaire ivoirien (Ivoirian Popular Front) that agreed to participate in the legislative elections went on to win three seats in Parliament, including one for its Secretary General.

12. The composition of the Independent Electoral Commission was established following a long process of dialogue and conciliation that enabled a balance to be struck between the majority party and the opposition. This institution represents a step forward in the establishment of dialogue between the various political parties that agree to subscribe to it. On 7 July 2014, however, an Ivorian NGO filed an application with the African Court on Human and Peoples' Rights asking it to order the Government to reform Act No. 2014-335 of 5 June 2014 on the organization, composition, powers and functioning of the Independent Electoral Commission. The Court's decision, which was issued on 18 November 2016, granted the NGO's application and ordered Côte d'Ivoire to reform its law and report back to it within one year.

13. The implementation of the constitutional reform led to the appointment as Vice President of the former Prime Minister Daniel Kablan Duncan in January 2017. With regard to gender parity, it should be noted that, in the new Government, 6 of the 28 ministerial posts that have been filled are held by women.

III. Status of human rights institutions

A. Ministry of Human Rights and Civil Liberties

14. The Ministry of Human Rights and Civil Liberties, which was established in January 2016 as an independent entity, was merged with the Ministry of Justice in January 2017. While recognizing that the Ivorian State has the sovereign right to organize its Government in accordance with its new Constitution, domestic law and any priorities and constraints associated with the budgets allocated to institutions, the Independent Expert believes that the creation of a ministry solely devoted to the protection and promotion of human rights in Côte d'Ivoire had an important symbolic value, which is undermined when responsibility for monitoring human rights issues is given to another ministry that already has very demanding responsibilities.

15. However, it is worth highlighting the significant legacy left by the former Ministry of Human Rights in the activities undertaken in 2016 and set out in the workplan drawn up for 2017. The Independent Expert encourages the Ministry of Justice, Human Rights and Civil Liberties to integrate the workplan, which focuses on protection, promotion and cooperation in the area of human rights, into its own strategies. Protection should be extended throughout the national territory with a view to meeting the expectations of the most vulnerable people. In order to improve the situation of detainees, regular inspections of all places of detention should continue to be carried out and followed up by the implementation of concrete measures. The Independent Expert also encourages the Government to organize campaigns to raise awareness of human rights, in particular through the "human rights caravans" and the human rights clubs established in schools. In addition, he invites the Ivorian authorities to continue the initiatives launched by the then Ministry of Human Rights and Civil Liberties in the area of international cooperation and interaction with the international human rights mechanisms and ensure that the recommendations emanating from the universal periodic review are implemented and followed up.

16. During his visit in January 2017, the Independent Expert also noted the need to strengthen collaboration between the Ministry of Justice, Human Rights and Civil Liberties and the National Human Rights Commission of Côte d'Ivoire, with due regard for the technical and financial independence of the latter institution, in order to monitor activities undertaken to protect and promote human rights.

B. Ministry of Solidarity, Social Cohesion and Compensation of Victims

17. Transitional justice also involves attending to the victims of the crises that Côte d'Ivoire has suffered and, more broadly, strengthening social cohesion. In January 2016, the National Programme for Social Cohesion was upgraded to become the Ministry of Solidarity, Social Cohesion and Compensation of Victims. The cabinet reshuffle of January 2017 assigned the powers of this ministry to the Ministry of Women, Child Protection and Solidarity.

18. For one year, the Ministry of Solidarity, Social Cohesion and Compensation of Victims was active in various ways to bring a measure of calm to social relations among Ivorians. It encouraged Ivorian refugees to return to Côte d'Ivoire by opening an information point for receiving and assisting returnees. Most of the Ministry's activities were supported by UNOCI.

19. In order to put an end to intercommunal tensions, which were sometimes accompanied by violence, the Ministry of Solidarity, Social Cohesion and Compensation of Victims continuously monitored hotbeds of tension, organizing visits to the Bouna region and organizing an intercommunal dialogue in December 2016. The Ministry also monitored the development of intercommunal tensions in Bédiala that arose from conflicts between border communities in Côte d'Ivoire and Mali and were fuelled by disputes over rural land ownership and struggles over the control of chiefdoms. In Bouaké, other recent tensions

caused by the rise in electricity prices were defused when the Ministry of Energy intervened.

20. In 2016, the Ministry of Solidarity, Social Cohesion and Compensation of Victims also facilitated the relocation of populations living in the protected nature reserve of Mount Péko. According to the authorities, the relocation took place peacefully. The Government is currently looking for ways of resettling internally displaced persons (90 per cent of such persons are reported to be of foreign origin and 30 per cent of these would like to return to their country of origin) by identifying cultivable plots of land available for those wishing to stay in Côte d'Ivoire.

21. With regard to the compensation of victims of the crises in Côte d'Ivoire, the Ministry of Solidarity, Social Cohesion and Compensation of Victims received from the Head of State, on 19 April 2016, the final report of the National Commission for Reconciliation and Compensation of Victims, with instructions to publish and implement its recommendations. In its report, the Committee set out a national reparation plan, identifying 316,954 victims. The Ministry launched the pilot stage of the compensation process for 4,500 victims, who comprise 3,500 persons entitled to receive compensation and 1,000 persons with injuries who are to be given medical and psychological care. This stage of the process is not yet complete.

22. The Independent Expert welcomes the efforts made by the Ministry of Solidarity, Social Cohesion and Compensation of Victims and encourages the Ministry of Women, Child Protection and Solidarity, which took over the responsibilities of the former following the cabinet reshuffle in January 2017, to continue the efforts undertaken and consolidate social peace. However, he notes that, to date, no legal text gives a clear definition of a victim of the crises that took place in Côte d'Ivoire, despite the fact that such a definition is discussed in the final report of the Dialogue, Truth and Reconciliation Commission.

23. Victims' associations report that victims are feeling increasingly impatient and frustrated. Despite the efforts made by the National Commission for Reconciliation and Compensation of Victims, some victims do not seem to have been identified. The Independent Expert wishes to reiterate the importance of establishing an appropriate way of enabling all victims not yet identified to register. Furthermore, persons who wish to ascertain whether or not they are on the official list of victims should be able to do so through a consultation process that respects victims' anonymity. In addition, some victims have complained of the interference of intermediaries who claim that, in return for a commission, they will use their influence with the Government to help victims obtain compensation from the funds set aside for reparation. The Independent Expert believes that these complaints should be heard and that investigations should be carried out.

C. National Human Rights Commission of Côte d'Ivoire

24. The Independent Expert once again wishes to stress the importance of the role of the National Human Rights Commission of Côte d'Ivoire in protecting and promoting human rights in Côte d'Ivoire. The departure of UNOCI and the end of the Independent Expert's mission in June 2017 further reinforce the need for it to carry out this role. As for its activities, the Commission has drawn up a strategic document on its functioning, its mandate and the communication side of its work. In 2016, the document was submitted to its financial partners and will be submitted to the United Nations country team.

25. The Independent Expert has noted that the Commission's activities are becoming more dynamic and visible. He welcomes and encourages this positive trend and commends the fact that 31 regional commissions are now up and running.

26. In 2016, the Commission registered 310 appeals, as against only 75 the previous year. Its visibility has progressively increased, largely owing to the support provided by UNOCI, which has helped to train regional commissioners in monitoring respect for human rights and information gathering.

27. The Commission has deployed observers on the ground to ensure that civil and political rights are upheld during elections and referendums. It has noted that the representation of women candidates in legislative elections remains very low: out of 255 deputies, 27 are women.

28. In the area of sexual and gender-based violence, the Commission has established a mechanism for coordinating with the armed forces of Côte d'Ivoire to document violations committed by the military. This monitoring mechanism meets every month to review the situation on the ground. The documenting of identified cases has made it possible for appropriate measures to be taken against perpetrators and sanctions to be imposed.

29. In 2016, the Commission became involved in a number of areas, including: (a) the protection of children in conflict with the law; (b) the monitoring of violations committed by the armed forces (which should be extended to the police and the gendarmerie); (c) the monitoring of important trials concerning national reconciliation; (d) the situation of persons with disabilities; and (e) land conflicts and their impact.

30. It should be noted that the Commission has agreed to coordinate the West African Economic and Monetary Union's network of national human rights institutions, which will share information and experiences and address regional issues, including immigration and terrorism. Côte d'Ivoire has been chosen to chair the network and host its headquarters.

31. The Independent Expert has also learned that the Commission has established a human rights award to promote and raise awareness of the importance of human rights. The chosen theme is mine management, which has given rise to numerous violations of labour and environmental law.

32. In November 2016, the Commission submitted its annual report for 2015 to the Head of State. The report, which was subsequently published and distributed to all parts of the country, focused on the holding of elections, the situation of children in conflict with the law, education for all, the compensation of victims, terrorism, prolonged pretrial detentions, working conditions in companies, the right to health, violence within universities and environmental protection.

IV. Human rights situation

33. During the reporting period, the UNOCI Human Rights Division documented 89 cases of human rights violations, including 13 violations of the right to life directed against 31 persons, 4 of whom were women; 24 violations of the right to physical integrity directed against 25 persons, including 2 women; 33 cases of unlawful and arbitrary arrest and detention directed against 188 persons, including 1 woman; 3 violations of the right of peaceful assembly; and 15 violations of property rights. Only one alleged perpetrator in these cases has been convicted and sentenced to 3 years' imprisonment, while two others have been arrested and remain in pretrial detention.

34. During the same period, the UNOCI Human Rights Division also investigated human rights violations committed during intercommunal violence in Boua in March 2016. The Division established the facts concerning the deaths of at least 27 people, including 4 women and 2 boys. The perpetrators of those acts were reported to be dozos, while the majority of the victims allegedly belonged to the Fula, Kulango and Malinke ethnic groups. To date, at least 117 people, mainly dozos, have been arrested, while over 30 have been released either on bail or after serving sentences for minor offences such as theft and receiving stolen goods. The criminal investigations are ongoing.

35. UNOCI has documented a total of 34 cases of sexual violence, of which 25 were cases of rape and 9 involved other forms of sexual and gender-based violence, including two forced marriages and two cases of female genital mutilation perpetrated against 14 girls and one woman. At least 23 alleged perpetrators have been arrested; 9 have been tried and sentenced to prison terms ranging from 1 month to 5 years.

36. On 3 June, President Ouattara signed a decree on the establishment of a national committee to combat conflict-related sexual violence. Under the leadership of the President,

the committee is mandated to coordinate the Government's efforts to prevent and respond to such violence.

37. On 11 July, UNOCI and the Office of the United Nations High Commissioner for Human Rights issued a joint report on rape and the punishment of rape in Côte d'Ivoire. This report presents an analysis of the main patterns identified in respect of the rapes and attempted rapes committed in Côte d'Ivoire between 1 January 2012 and 31 December 2015, the status of legal proceedings against alleged perpetrators of rape and attempted rape during this period and the obstacles to prosecuting perpetrators. The Government's response has been swift and constructive. On 13 July 2016, two days after the publication of the report, the Minister of Justice issued a circular on the prosecution of rape to all those working in the justice system under his authority. In the circular, he requested that they stop reclassifying cases of rape as indecent assault and asked the judicial authorities to ensure that investigations were undertaken, including in cases where out-of-court settlements had been agreed on between the parties or the complaint had been withdrawn. The Independent Expert welcomes these positive developments and hopes that all those working in the criminal justice system will respond to them constructively.

38. A number of new constitutional provisions, adopted in November 2016 and mentioned later in this report, address the challenge of ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol to the International Covenant on Civil and Political Rights. The new provisions also address the need to establish, at the national level, one or several visiting bodies responsible for preventing torture and other cruel, inhuman or degrading treatment or punishment, to act as the national preventive mechanism. In that connection, the Independent Expert welcomes the fact that the Ombudsman of the Republic of Côte d'Ivoire took the initiative to organize a seminar at which African mediators could consider the problem of torture and participate more fully in the fight against that practice in Africa. The seminar took place from 27 February to 1 March 2017.

39. During his visit in January, the Independent Expert was able to meet representatives of human rights organizations, the unfailing vitality of which he noted. These organizations, which all work closely with the National Human Rights Commission of Côte d'Ivoire, focus their efforts on the protection and promotion of women's and children's rights, in particular the fight against early marriage and the exploitation of girls in domestic work, the registration of births, girls' literacy levels and a higher level of representation of women in decision-making and local government. The Independent Expert also welcomes the efforts made to protect the rights of persons with albinism and to combat discrimination in access to education and employment. Concerns over networks of migrant smugglers based in Côte d'Ivoire also raise a number of questions about civil society and reflect the need for further investigation into the causes of migration and trafficking in persons and migrants.

V. Transitional justice and national reconciliation

A. Dialogue, Truth and Reconciliation Commission

40. The Independent Expert welcomes the publication, in October 2016, of the report of the Dialogue, Truth and Reconciliation Commission and encourages activities to raise awareness of its content at a national level. The report, which was two years overdue, summarizes the root causes of the crisis in Côte d'Ivoire, highlighting the issue of land ownership, shortcomings in the democratic process, the lack of justice and security, poverty, gender inequality, the poor functioning of the education system and the failings of the media. Alongside more general observations, the fourth part of the report contains specific recommendations on each of the root causes of the crisis and the criteria governing reparation.

41. At a political level, the report contained the following recommendations: (a) days of remembrance and forgiveness should be held, on which persons who know that they bear some responsibility, including moral responsibility, for the occurrence of the main crises, and who are willing to do so, can ask the nation for forgiveness; (b) dialogue days, initiated

by the President, should be held in order to bring together political parties, civil society organizations, religious groups and traditional leaders; and (c) remissions that stop short of a general amnesty should be granted to the perpetrators of violations committed during political conflicts, in the interests of fostering social peace.

42. In that regard, the Independent Expert stresses that, in cases of serious violations of human rights and international humanitarian law, justice should always have its say before measures that might be needed to bring about social healing are taken. He reiterates that the balanced exercise of justice for all parties involved in the violent conflicts in Côte d'Ivoire, delivered in accordance with the guarantees of a fair trial, forms an integral part of measures for social healing.

B. Criminal justice

43. The proceedings in connection with the post-electoral crisis are still in progress. Of the 17 pending cases, 12 have already been transmitted to the Indictment Division and 5 are still under investigation. According to statistics dating from 5 December 2016, 31 out of 66 cases (67 cases were mentioned in the previous report) have been tried (6 more than in the previous report), 29 cases have been brought before the Indictment Division and 6 cases are currently before the Court of Appeal. Persons charged with an offence and accused persons are no longer remanded in custody, with a view to encouraging pretrial release, satisfying the requirements of reconciliation and avoiding prison overcrowding. However, in order to ensure that accused persons appear before the courts, warrants of commitment are issued 10 days before trials begin, which means that, when they appear in court, such persons should be in detention.

44. The Independent Expert has been informed that the case of Nahibly camp is still before the tenth investigations office and is about to be referred to the Indictment Division. Following the exhumations that took place in relation to this case, 53 bodies have been identified and their families have been traced. The death certificates have been drawn up. The Government should now mobilize sufficient resources to organize an official ceremony for the purpose of returning the bodies to close relatives, thereby enabling them to organize a dignified burial of the deceased and truly begin their mourning.

45. The trial of Simone Gbagbo, who is accused of committing crimes against humanity during the 2010-2011 post-electoral crisis, began in late May 2016. In October 2016, the defence lawyers withdrew from the trial when the assize court refused to call witnesses, including several former and current political figures, in support of their client. In theory, the President of the assize court may, at his discretion, take any measure required to establish the truth, including the summoning of witnesses proposed by the defence, as stipulated by article 310 of the Code of Criminal Procedure of Côte d'Ivoire. The court then appointed other lawyers to represent the accused. However, these lawyers also withdrew a few days after the hearings resumed on 21 February 2017. The accused was acquitted on 18 March 2017.

46. The Independent Expert considers this decision to be an important milestone in the building of reconciliation in Côte d'Ivoire, as it shows that the Ivorian judicial system does not systematically find against all supporters of the former President of Côte d'Ivoire. However, the accused will remain in prison because she has already been sentenced to 20 years' imprisonment in a different trial for breaching State security. Furthermore, the acquittal of Ms. Gbagbo by the assize court of Abidjan does not, in principle, affect the proceedings currently taking place before the International Criminal Court, where the former first lady is also being prosecuted for crimes against humanity. While being fully aware of the difficulty of the task at hand, the Independent Expert would once again like to point out that, to date, neither the national nor the international justice system has demonstrated that it is determined to pursue with equal persistence all the parties responsible for the violent crises suffered in Côte d'Ivoire. This remains a prerequisite for lasting national reconciliation.

47. The Independent Expert has learned that the case concerning the terrorist attacks in Grand-Bassam has come before the Indictment Division. In the fight against terrorism, Côte

d'Ivoire has cooperated with partner States to establish conditions in which it can apply for and enforce rogatory commissions. Another suspect in this case was arrested in early January 2017.

48. With regard to the issue of toxic waste, the Independent Expert has learned of the court's decision to hand down several sentences but is concerned that they have not been accompanied by any warrant of commitment, which means that the persons convicted are allowed to remain at liberty.

C. Military justice

49. The report on the military justice system for 2016 has been made available to the Independent Expert. It describes current proceedings and completed cases relating to the disproportionate use of armed force, attacks on civilians by the defence forces and sexual violence. The Independent Expert has taken note of the sanctions imposed on perpetrators of violence by the military court.

50. The Independent Expert also recalls that a mechanism for monitoring human rights violations committed by members of the Republican Forces of Côte d'Ivoire was established in 2015. This mechanism, which was initially run as a joint operation by UNOCI and the armed forces of Côte d'Ivoire, was extended to include the National Human Rights Commission of Côte d'Ivoire and then taken over by it. The Independent Expert notes with satisfaction that this mechanism still exists and continues to meet on a monthly basis.

51. The Independent Expert has learned that training, awareness-raising and high-level advocacy activities are carried out with the military to eradicate violence and sexual abuse. The persons in charge of the monitoring mechanism have highlighted the initial and in-service training needed to raise awareness of issues concerning the protection of the population and the need to broaden the range of subjects addressed to include citizenship, civics and military leadership. The activities undertaken by the mechanism have received significant support from the United Nations system and, to date, the results have been positive.

52. In June 2016, a decree establishing a national committee to combat conflict-related sexual violence was adopted. This committee, which is chaired by the President of the Republic, takes the form of a board comprising representatives of key ministries and a group of experts. The group of experts is responsible for drawing up an action plan, accompanied by a budget for the committee. During his visit, the Independent Expert noted the committee's intention to create a database of cases of sexual violence committed by members of the security forces (the army, police, gendarmerie, customs officials, and water and forestry authorities).

53. With regard to the more general question of the need to raise the moral and professional standards of the armed forces, the adoption of a charter of ethics and a code of military conduct is still pending. A new law on military planning for 2016-2020 has been adopted and a draft decree on the status of military judges is due to be signed by the Government, and specifically by the Ministry of Defence and the Ministry of Justice. This new status would give greater independence and authority to military judges in exercising their functions. The decree also provides for the establishment of an independent special commission responsible for the monitoring and career progression of military judges. The Independent Expert notes that appropriate training in the areas of citizenship and human rights would make the armed forces more aware of their role in protecting the stability and security of the country, thus enabling that stability and security to flourish in optimal conditions, and of their vital role in protecting the civilian population.

D. Abidjan Detention and Correctional Centre

54. The prisons of Côte d'Ivoire, including the Abidjan Detention and Correctional Centre, continue to suffer from dilapidation and overcrowding. With the support of the

State's technical and financial partners, however, the move to renovate places of detention continues, as does the search for additional funding to build new prison facilities. The need to build women's prisons and education centres for minors has been brought to the attention of the President of the Republic and cooperation partners have already been approached in that connection.

55. The Independent Expert wishes to emphasize that serious thought must be given to the main causes of prison overcrowding, including the frequent use of pretrial detention. In particular, he encourages the authorities to reflect on criminal policy and the use of pretrial detention, which could be regarded as an exceptional measure that judges consider only when a careful assessment suggests that there is a serious risk to the proper conduct of criminal proceedings.

VI. Situation of children in conflict with the law

56. During his mission in January 2017, the Independent Expert carried out a follow-up visit to the Abidjan Juvenile Observation Centre. At the time of his visit, the Centre housed 77 boys and 6 girls. Although the girls continue to be detained with women, during the daytime they are able to participate in activities organized in the Centre, including a literacy programme. There have been improvements in the management of the Centre, especially as regards the supply of water to the building, the provision of three meals a day and the reorganization of a number of educational workshops, including market gardening, carpentry and sewing. Every week, a number of NGOs provide support in the form of better meals, additional food supplies and trainers to run educational workshops. Other successful initiatives include the renovation of the premises and the provision of psychosocial support.

57. The length of time that minors are under observation has been reduced, thanks to better coordination between the judicial protection services for children and the Observation Centre. Similarly, coordination between socioeducational centres and child protection associations and NGOs has been improved, so that, when children leave the Centre, they can continue training to improve their social and professional prospects if they so wish, for example at the Abel Centre in Grand-Bassam or the programme run by the Amigo Foundation in Yopougon. The Independent Expert wishes to commend the role played by civil society, with the support of technical and financial partners, which together have actively contributed to bringing about these improvements. He hopes that such appreciation of their activities will encourage them to continue to provide support that is ever more responsive to the needs and best interests of the children.

58. Despite the general improvements at the Observation Centre, it should not be forgotten that it is still located on the premises of the Abidjan Detention and Correctional Centre, a prison meant to house only adults. In the Independent Expert's view, the Observation Centre should be moved to appropriate premises that are entirely separate from the main prison, so as to adhere strictly to the principle of the separation of children and adults in detention, irrespective of the legal nature of their detention and the stage in their sentence that they have reached, but also to promote educational measures and to comply with the requirements of the principle of the best interests of the child.

59. It is also a matter of concern that minors on remand continue to be detained with adults at the prison. Actually, the relocation of the Observation Centre away from the prison would make it possible for the empty buildings to be used to accommodate minors on remand and thus keep them separate from adult detainees, at the same time allowing them closer contact with juvenile court judges. The Independent Expert is of the view that these measures are urgent and should be implemented without delay. At the time of his visit, he was informed that 84 minors who were on remand, including 4 girls, were being held with adults.

60. The judicial protection services for children and young people, which began operations in January 2016 in Yopougon, Abidjan, Man and Bouaké, are continuing their work (see the report of the Independent Expert's fourth visit) and have been extended to the town of Daloa. The aims of the services are to support juvenile court judges in making decisions in civil and criminal cases and to ensure that social and educational factors are

taken into account in the decisions reached by juvenile court judges as part of a process whose fundamental objective, in criminal cases, must be rehabilitation rather than punishment. The Independent Expert notes that the establishment of these facilities constitutes remarkable progress in the handling of cases of minors in conflict with the law, despite some shortcomings in the monitoring of such cases, including those of minors on remand.

61. The Independent Expert notes that the training for professionals who deal with minors in conflict with the law was updated in 2016 and new working methods were adopted by all those already working in the field. He welcomes the progress made in the approach to justice for minors in conflict with the law and encourages the Ivorian authorities to continue to fine-tune their training programmes. He recommends that the judicial protection services for children and young people should gradually be rolled out to all jurisdictions in Côte d'Ivoire. Lastly, the Independent Expert notes that, in 2016, a policy for the legal protection of children was finalized, which, once adopted, should pave the way for innovations such as the promotion of alternative measures to deprivation of liberty and the prioritization of educational measures.

62. The situation of juveniles in conflict with the law is also central to the interests of the National Human Rights Commission of Côte d'Ivoire. The Commission has organized awareness-raising workshops on children's rights and encouraged the activities of human rights associations. It organizes monthly visits to the Juvenile Observation Centre and the prisons in Dabou, Aboisso and Agboville. The Commission has also carried out a study of the Observation Centre, based on a sample group of 52 minors in conflict with the law, to determine their profile and assess the conditions of their detention. It maintains regular contact with the director of the Observation Centre in order to review the cases of minors and make recommendations on their progress. The Commission has set up a working group to examine cases of minors, which remains in constant contact with bodies working in the field of children's rights. The Independent Expert welcomes the fact that the Commission favours education rather than punishment with regard to children in conflict with the law.

VII. Constitutional and legislative reforms

63. On 30 October 2016, the country adopted a new Constitution inaugurating the Third Republic. The Constitution was approved by referendum, with 93.42 per cent of votes in favour and a participation rate of 42.42 per cent of the 6.3 million people eligible to vote. The most significant developments were the repeal of article 35 of the previous Constitution and the establishment of the Senate and the post of Vice-President. Article 35 of the Constitution of 2000 required that both parents of a presidential candidate should be Ivorian. Since September 2002, that provision had provoked a series of violent political crises that had divided the country into two rival areas. The new Constitution has removed the potentially harmful effects of the provision and created the post of Vice-President, ensuring the continuity and stability of the State if the post of Head of State is vacant.

64. The new Constitution has also expanded the list of human rights and public freedoms: it reaffirms the abolition of the death penalty (art. 3); adopts the principle of equality before the law and explicitly prohibits discrimination (art. 4); prohibits torture and humiliating, cruel, inhuman or degrading treatment, including violence against women, notably female genital mutilation (art. 5); prohibits human trafficking and child labour (arts. 5 and 16); strengthens the rights of persons with disabilities (arts. 32 and 33); introduces guarantees of a fair trial (arts. 6 and 7); guarantees the right to access to information, the right to freedom of expression and the right to freedom of conscience (arts. 18 and 19); establishes the right to a healthy environment, prohibits the illegal storage or dumping of toxic waste on national territory and removes the statute of limitations for the latter practice (art. 27); and recognizes the important role of civil society as part of the expression of democracy (art. 26). Moreover, article 113 of the new Constitution states that "legally incorporated human rights institutions may also refer laws relating to public freedoms to the Constitutional Council before their promulgation". These are very commendable regulatory developments that should be reflected in the activities of the country's authorities and institutions. However, the Independent Expert notes with regret that the authorities have not

seized the favourable opportunity offered by the reform to turn the Commission into a constitutional institution.

65. According to information provided by the Ministry of Justice, Human Rights and Civil Liberties, the reform of the standard legislative texts, including the Civil Code, Criminal Code and Code of Criminal Procedure, is not yet completed but has reached a very advanced stage. The Ministry intends to submit several texts on judicial reforms when the parliament reconvenes. These include the reform of the assize court, the definition of certain offences contained in the Criminal Code and the establishment of alternatives to imprisonment for the punishment of minor offences. With regard to the revised definition of rape, the Independent Expert emphasizes that it should provide for the protection of all victims of sexual abuse, in line with the most comprehensive comparable national and international jurisprudence.

66. The Independent Expert notes with satisfaction the adoption of the circular issued by the Minister of Justice, Human Rights and Civil Liberties on 4 August 2016 on the procedure for dealing with complaints of gender-based violence. The circular draws judges' attention to the seriousness of rape and recommends that they should reconsider the common practice of trying it as a minor offence.

67. The Independent Expert reiterates the urgent need to adopt a range of robust witness protection measures in the criminal justice system. He also emphasizes that the adoption of legislation on the protection of human rights defenders is a significant regulatory step forward that will strengthen the role of civil society in the promotion of human rights. However, any progress made in this regard will have its full effect only once it is accompanied by the appropriate legal framework. On 22 February 2017, the Council of Ministers adopted a decree implementing Act No. 2014-388 of 20 June 2014 on the protection of human rights defenders in Côte d'Ivoire. Its registration for publication in the Official Gazette should then lead to its effective implementation.

VIII. Conclusion and recommendations

A. Conclusion

68. The fifth and penultimate mission of the Independent Expert in Côte d'Ivoire followed on from his previous missions, in accordance with his mandate to support Côte d'Ivoire in moving towards greater respect for human rights and promoting their advancement. The aim of his sixth and final mission will be to bring the information in his possession up to date and to contribute to the interactive dialogue with Member States of the Human Rights Council at its thirty-fifth session, to be held in June 2017. This conclusion aims to sum up the recommendations made by the Independent Expert pursuant to his mandate.

69. The violent crises that have punctuated the history of Côte d'Ivoire since 1999 have had a negative impact on the human rights situation. In general, periods of armed conflict engender a lawlessness that weakens State structures and threatens the social fabric, which is weakened by antagonism between the opposing sides. The standards that normally guarantee social coexistence between individuals and groups are eroded by waves of bigotry and intolerance. When peace returns — usually a slow and gradual process — those who are minded to put the country back on track have a long road ahead of them. The return to human and economic development must be based on solid foundations that respect human rights.

70. The responsibility to observe and promote human rights lies with each State, which has sovereignty over its own territory. When States accede to international treaties for the protection and promotion of human rights, they make a commitment alongside their peers, who can help them align themselves with international standards. In all these respects, Côte d'Ivoire has, to date, shown itself to be a model and a success, particularly following the gradual stabilization of the country in the wake of the painful events of the electoral crisis of 2010-2011.

71. Currently, the people of Côte d'Ivoire clearly aspire to live in a peaceful country where they can strive for a better future. The restoration of security to government control¹ is a positive step towards macroeconomic development. Such a boost would probably not have been achieved without the support provided by international cooperation, which, in the form of UNOCI, has been in evidence on a daily basis for 13 consecutive years.

72. The human rights component of UNOCI consisted of 13 field offices and a central unit based in Abidjan, which made it possible for relevant information on the human rights situation to be reported regularly to the Security Council. The other components of UNOCI contributed to the restoration of security, the rule of law, social cohesion, reconciliation, the establishment of a transitional justice process and dialogue between the parties to the conflict and political representatives. In all these areas, many challenges have been overcome, although a number remain. This is an encouraging sign, richly deserved by the Government and people of Côte d'Ivoire, but vigilance is required in order to ensure that the country remains on the path of progress.

73. From the beginning of his mission, the Independent Expert noted with satisfaction that Côte d'Ivoire had accepted almost all of the recommendations made by the Member States of the Human Rights Council at its universal periodic review. Côte d'Ivoire has also submitted its initial report to the Human Rights Committee (CCPR/C/CIV/1) and benefited from the dialogue with the Committee and the ensuing concluding observations and recommendations. The Independent Expert notes that, although the human rights development programme is a cross-cutting issue within all public institutions in Côte d'Ivoire, its implementation is the particular responsibility of the National Human Rights Commission of Côte d'Ivoire and now also of the Ministry of Justice, Human Rights and Civil Liberties. The Independent Expert welcomes the work of the two institutions and reiterates the importance of national ownership of all human rights issues in the country and, in particular, of the Commission's assertion of its independence and its status in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

74. However, the Government of Côte d'Ivoire must continue to pay close attention to a number of human rights issues. The social protests that affected several regions of the country in January 2017 make such vigilance even more important. The tensions created by such social movements tend to show that the security situation in Côte d'Ivoire remains a fragile achievement that could be quickly undermined.

75. The Independent Expert therefore considers that there are key issues to which the Government of Côte d'Ivoire should give priority. These include the following:

(a) Social reconciliation: efforts made regarding redress for victims must continue and intensify, the justice system must continue to carry out its task of maintaining the balance of prosecutions and convictions of those responsible for the crimes committed during the crises that Côte d'Ivoire has experienced in the past, dialogue must remain a constant feature of the political landscape, and a clear vision and strategy for transitional justice should be adopted and implemented;

(b) Land reforms: the shortcomings in the regulatory framework in this area are a significant source of conflict and social tension that could lead to community violence. Land reform is an area in which progress is urgently needed and which requires support through technical cooperation. Pending the preparation and implementation of land reforms, early warning mechanisms to detect trouble spots

¹ Security Council resolution 2283 (2016) lifted the arms embargo on Côte d'Ivoire, while resolution 2284 (2016) set the end of June 2017 as the cut-off date for the mandate of UNOCI. The progress made in the areas of security and reconciliation and the capacity of Côte d'Ivoire to maintain law and order in its territory and manage the social tensions arising out of the violence committed in the past provide the justification for these two resolutions.

should continue to play their role, so that proactive action can be taken on the basis of constructive dialogue and effective communication with the people. These mechanisms, developed with the assistance of UNOCI, are already operational;

(c) The ongoing reform of the security sector: action on disarmament and on raising the professional standards of the defence and security services must continue, in order to restrict the possession of weapons to the law-enforcement services and ensure the protection of everyone living in Côte d'Ivoire.

76. The question now is how the commitments made by the international community to Côte d'Ivoire can be met in such a way as to enable the country to consolidate the progress made on human rights and to continue to promote them. In consultation with the Government of Côte d'Ivoire, the United Nations country team, the diplomatic corps and other major partners, UNOCI has developed a strategy that should enable Côte d'Ivoire to take over all outstanding cases in full. This strategy is set out in a document entitled "The end of the UNOCI mandate in Côte d'Ivoire: consolidating the gains of peacekeeping". A substantial part of the document deals with strengthening social cohesion, human rights, transitional justice, defence and security. It would be useful to highlight in this report two of the document's main features, namely the importance of the role of the National Human Rights Commission of Côte d'Ivoire in the promotion and protection of human rights and the role of the United Nations country team in Côte d'Ivoire. In keeping with this strategy, the Independent Expert would like to draw attention to the need to continue to strengthen the role and the resources of the National Human Rights Commission of Côte d'Ivoire so that it can fully assume its mandate and to the fact that the transition period following the departure of UNOCI leaves a significant burden of cases for the country team.

77. In these circumstances, the Independent Expert would like to invite the Government of Côte d'Ivoire and the United Nations to discuss the establishment of a temporary international focal point, to be based in Côte d'Ivoire, which would coordinate the implementation of the outstanding human rights issues. The role of the focal point would centre on building the capacity of Ivorian institutions in the protection and promotion of human rights.

78. In his personal capacity, the Independent Expert would like to add that he is honoured to have had the opportunity to serve the people of Côte d'Ivoire.

B. Recommendations

79. The Independent Expert recommends that the Ivorian authorities take the following action to strengthen the security and stability of the country:

(a) Ensure that all Ivorians can share in the benefits of economic progress in a participatory and inclusive manner;

(b) Continue the reform of the Ivorian army and raise its professional standards through the adoption of a charter of ethics and a code of professional conduct, the establishment of a mediation mechanism within the army, the modernization of military justice and the strengthening of initial and in-service training programmes focusing on the promotion of human rights and international humanitarian law;

(c) Continue to support the activities of the national committee to combat conflict-related sexual violence in maintaining its monitoring of sexual violence committed by the national defence and security forces.

80. The Independent Expert recommends that the Ivorian authorities take the following action in support of national reconciliation:

(a) Adopt a legal text that gives a precise definition of the concept of victim in the context of the crises in Côte d'Ivoire;

(b) Ensure the continuity of the work of the Ministry of Solidarity, Social Cohesion and Compensation of Victims, including the expeditious publication of the report of the National Commission for Reconciliation and Compensation of Victims, in order to ensure that all identified victims are aware of the report and can participate fully in a transparent reparation and compensation process; establish a time frame for the opening of proceedings on the various lists of victims so that they can submit claims and corrections and enter additional information in their files;

(c) Ensure the return of displaced persons to Mont Péko or their relocation on available cultivable plots of land and allow all refugees who wish to do so to return to Côte d'Ivoire;

(d) Reaffirm the priority of criminal justice over social appeasement and reject amnesties for crimes against humanity or war crimes, while striking a balance between the various mechanisms of transitional justice.

81. The Independent Expert recommends that the Ivorian authorities take the following action to strengthen the national system for the protection of human rights:

(a) Publish the decree implementing Act No. 2014-388 of 20 June 2014 on the protection of human rights defenders in Côte d'Ivoire;

(b) Enhance collaboration between the Ministry of Justice, Human Rights and Civil Liberties and the National Human Rights Commission of Côte d'Ivoire in order to ensure that action is taken to protect and promote human rights, while ensuring that the Commission's independence is fully respected;

(c) Continue to provide sufficient financial and logistical resources to support the Commission's training needs and its independent management; support the implementation of the Commission's programme and recommendations.

82. The Independent Expert recommends that the Ivorian authorities take the following action to combat impunity and strengthen the rule of law:

(a) Continue to expedite legal proceedings relating to the crisis of 2010-2011 in order to seek out the truth;

(b) Monitor the implementation of judgments, including the judgment in the toxic waste case;

(c) Continue cooperation on improving prison facilities, and in particular on the establishment of a women's prison and educational centres for minors;

(d) Reformulate criminal policy, and in particular consider making the use of pretrial detention a measure of last resort.

83. The Independent Expert recommends that the Ivorian authorities take the following action to improve the situation of children, especially those in vulnerable situations:

(a) Continue to support the improvements carried out at the Juvenile Observation Centre by increasing the Centre's budget and strengthening its educational services;

(b) Continue to support the important role played by civil society in improving the situation of children in conflict with the law;

(c) Take urgent measures to relocate the Juvenile Observation Centre away from the Abidjan Detention and Correctional Centre and immediately transfer minors who are on remand to the existing premises of the Observation Centre;

(d) Encourage the adoption of a national policy on judicial protection for children and young people and the extension of the judicial protection services for children and young people to all jurisdictions.

84. The Independent Expert recommends that the Ivorian authorities take the following action with respect to constitutional and legislative reforms:

(a) Disseminate the Constitution widely and ensure that national institutions are brought into line with the new constitutional provisions, particularly those concerning the protection and promotion of human rights;

(b) Take appropriate steps to comply with the judgment of the African Court on Human and Peoples' Rights on the organization and functioning of the Independent Electoral Commission;

(c) Review and put to a parliamentary vote the standard legislative texts; ensure in particular that the revised definition of rape will provide for better protection for victims;

(d) Urgently adopt a robust framework for the protection of witnesses in criminal cases;

(e) Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol to the International Covenant on Civil and Political Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance; in connection with the fight against torture, encourage a wider national debate on the creation of a national preventive mechanism.

85. The Independent Expert encourages the international community to continue to actively support the efforts of Côte d'Ivoire for the promotion of human rights and in particular to continue to support the institutions of Côte d'Ivoire by agreeing on the establishment of a temporary international focal point responsible for coordinating action to address outstanding issues relating to the protection and promotion of human rights.



General Assembly

Distr.: General
24 May 2017

English only

Human Rights Council

Thirty-fifth session

Agenda items 3, 4, 7, 9 and 10

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Human rights situations that require the Council's attention

Human rights situation in Palestine and other occupied Arab territories

Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action

Technical assistance and capacity-building

Communications report of Special Procedures*

Communications sent, 1 December 2016 to 28 February 2017;

Replies received, 1 February to 30 April 2017

Joint report by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Independent Expert on the enjoyment of human rights by persons with albinism; the Working Group of Experts on people of African descent; the Working Group on arbitrary detention; the Special Rapporteur on the situation of human rights in Belarus; the Special Rapporteur on the situation of human rights in Cambodia; the Independent Expert on the situation of human rights in the Central African Republic; the Special Rapporteur in the field of cultural rights; the Independent expert on the promotion of a democratic and equitable international order; the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea; the Special Rapporteur on the rights of persons with disabilities; the Special Rapporteur on the right to education; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Working Group on enforced or involuntary disappearances; the Special Rapporteur on the situation of human rights in Eritrea;

* The present report is circulated as received.

GE.17-08410(E)



* 1 7 0 8 4 1 0 *

Please recycle 



the Special Rapporteur on extreme poverty and human rights; the Special Rapporteur on the right to food; the Independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on freedom of religion or belief; the Independent Expert on the situation of human rights in Haiti; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the rights of indigenous peoples; the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran; the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on minority issues; the Special Rapporteur on the situation of human rights in Myanmar; the Independent Expert on the enjoyment of all human rights by older persons; the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967; the Special Rapporteur on the right to privacy; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material; the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Independent Expert on the situation on human rights in the Sudan; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on the promotion of truth, justice, reparation & guarantees of non-recurrence; the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights; Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity; the Special Rapporteur on violence against women, its causes and consequences; the Working Group on the issue of discrimination against women in law and in practice; and the Special Rapporteur on the human rights to safe drinking water and sanitation.

Contents

	<i>Page</i>
Abbreviations	4
I. Introduction	7
II. Communications sent and replies received	12
Communications sent between 1 December 2016 and 28 February 2017 and replies received between 1 February and 30 April 2017	12
Appendix	
Mandates of special procedures	13

Abbreviations

African Descent	Working Group of Experts on people of African descent
Albinism	Independent Expert on the enjoyment of human rights by persons with albinism
Arbitrary detention	Working Group on Arbitrary Detention
Belarus	Special Rapporteur on the situation of human rights in Belarus
Burundi	Special Rapporteur on the situation of human rights in Burundi
Business enterprises	Working Group on the issue of human rights and transnational corporations and other business enterprises
Cambodia	Special Rapporteur on the situation of human rights in Cambodia
Central Africa	Independent Expert on the situation of human rights in the Central African Republic
Côte d'Ivoire	Independent Expert on capacity-building and technical cooperation with Côte d'Ivoire in the field of human rights
Cultural Rights	Special Rapporteur in the field of cultural rights
Development	Special Rapporteur on the right to development
Disability	Special Rapporteur on the rights of persons with disabilities
Disappearances	Working Group on Enforced or Involuntary Disappearances
Discrimination against women	Working Group on the issue of discrimination against women in law and in practice
DPR Korea	Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea
Education	Special Rapporteur on the right to education
Environment	Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment
Eritrea	Special Rapporteur on the situation of human rights in Eritrea
Extreme poverty	Special Rapporteur on extreme poverty and human rights
Food	Special Rapporteur on the right to food
Foreign debt	Independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights
Freedom of expression	Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
Freedom of peaceful assembly and of association	Special Rapporteur on the rights to freedom of peaceful assembly and of association
Freedom of religion	Special Rapporteur on freedom of religion or belief
Haiti	Independent Expert on the situation of human rights in Haiti
Hazardous substances and wastes	Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes
Health	Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health
Human rights defenders	Special Rapporteur on the situation of human rights defenders
Housing	Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

Independence of judges and lawyers	Special Rapporteur on the independence of judges and lawyers
Indigenous peoples	Special Rapporteur on the rights of indigenous peoples
Internally displaced persons	Special Rapporteur on the human rights of internally displaced persons
International order	Independent expert on the promotion of a democratic and equitable international order
International Solidarity	Independent Expert on Human Rights and International solidarity
Iran	Special Rapporteur on the situation of human rights in the Islamic Republic of Iran
Mali	Independent Expert on the situation of human rights in Mali
Mercenaries	Working Group on the use of mercenaries
Migrants	Special Rapporteur on the human rights of migrants
Minority issues	Special Rapporteur on Minority Issues
Myanmar	Special Rapporteur on the situation of human rights in Myanmar
OPT	Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967
Older persons	Independent Expert on the enjoyment of all human rights by older persons
Privacy	Special Rapporteur on the right to privacy
Racism	Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance
Sale of children	Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material
Sexual orientation and gender identity	Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity
Slavery	Special Rapporteur on contemporary forms of slavery
Somalia	Independent Expert on the situation of human rights in Somalia
Sudan	Independent Expert on the situation of human rights in the Sudan
Summary executions	Special Rapporteur on extrajudicial, summary or arbitrary executions
Terrorism	Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism
Torture	Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment
Trafficking	Special Rapporteur on trafficking in persons, especially women and children
Truth justice, reparation & guarantees on non-recurrence	Special Rapporteur on the promotion of truth, justice, reparation & guarantees of non-recurrence
Unilateral coercive measures	Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights
Violence against women	Special Rapporteur on violence against women, its causes and consequences
Water and Sanitation	Special Rapporteur on the human right to safe drinking water and sanitation

Other abbreviations

AL	Letter of allegation
JAL	Joint letter of allegation

JUA	Joint urgent appeal
UA	Urgent appeal

I. Introduction

1. Special procedures are mandated by the Human Rights Council to report to it on their activities (see Appendix).
2. In 2009, the sixteenth annual meeting of special procedures mandate holders decided that a joint communications report would be prepared (cf. A/HRC/12/47, paras 24-26), with this decision being reconfirmed by the seventeenth annual meeting of special procedures in 2010 in order to avoid duplication, rationalize documentation, allow examination of cross cutting issues and ensure that the content of communications and any follow-up would feed into the universal periodic review mechanism more effectively. Mandate holders decided that the report should contain summaries of communications and statistical information (A/HRC/15/44, para. 26-27).
3. The Outcome of the review of the work and functioning of the Human Rights Council calls on the Office of the High Commissioner for Human Rights to maintain information on special procedures in a comprehensive and easily accessible manner, and encourages the use of modern information technology to reduce the circulation of paper (A/HRC/RES/16/21, Annex, paras. 29 and 60).
4. All short summaries of allegations communicated to the respective State or other entity are made available on the Special Procedures communications website, link to which is included in paragraph 10 of the present report. The communications sent and responses received are also accessible electronically through hyperlinks. Communications are reproduced in the language in which they were sent. Replies received in Arabic, Chinese or Russian are included with translations into English, where available.
5. This website now reports all urgent appeals, and letters of allegations sent by special procedures mandate holders between 1 December 2016 and 28 February 2017 and replies received until 30 April 2017. Communications sent before 1 December 2016 are reported in A/HRC/34/75, A/HRC/33/32, A/HRC/33/32 corr.1, A/HRC/32/53, A/HRC/31/79, A/HRC/30/27, A/HRC/29/50, A/HRC/28/85, A/HRC/27/72, A/HRC/26/21, A/HRC/25/74, A/HRC/24/21, A/HRC/23/51, A/HRC/22/67, A/HRC/22/67 corr.1 and corr.2, A/HRC/21/49, A/HRC/20/30, A/HRC/19/44 and A/HRC/18/51 respectively are also made available on the dedicated website.
6. Also as part of this report, the special procedures communications website also includes replies received between 1 August 2016 and 31 January 2017 relating to communications sent by special procedures mandate holders before 1 June 2016. Some of these replies supplement information communicated earlier by the respective State.
7. The present report contains urgent appeals sent by the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances and joint urgent appeals sent by them together with other mandates. It does not contain other types of communications issued by these mandates, which are processed according to their own distinctive procedures, and are reported in the annual reports of these two working groups.
8. The names of some alleged victims have been obscured in order to protect their privacy and prevent further victimization. Names of victims who would otherwise have their identities protected are mentioned only when the individual concerned or their direct family has expressly consented or requested to have his or her name in the public report. In the original communications, the full names of the alleged victims were provided to the Government concerned. Names of alleged perpetrators have systematically been darkened in State replies to preserve the presumption of innocence.

9. In total 182 communications were sent during this reporting period to 58 countries to which replies were received from 35 countries as listed below:

<i>Name of countries</i>	<i>Number of communications sent</i>	<i>Replies received</i>
Afghanistan	1	0
Algeria	4	4
Argentina	1	1
Australia	1	1
Azerbaijan	1	1
Bahrain	3	3
Bangladesh	3	1
Bolivia (Plurinational State of)	1	0
Brazil	3	1
Burundi	1	0
Cameroon	3	1
Canada	1	1
China	5	4
Colombia	1	1
Democratic Republic of the Congo	2	1
Ecuador	2	1
Egypt	4	2
El Salvador	1	0
Equatorial Guinea	1	0
Ethiopia	2	0
France	2	2
Gambia	1	0
Greece	1	1
Guatemala	2	1
Haiti	1	0
India	2	0
Iran (Islamic Republic of)	9	3
Iraq	1	0
Israel	2	0
Italy	1	1
Japan	1	1
Kazakhstan	2	2
Kenya	5	0
Lebanon	3	1
Libya	1	0
Malaysia	2	0
Malta	1	1

Mexico	1	0
Morocco	1	0
Myanmar	2	1
Nigeria	2	0
Norway	1	1
Pakistan	2	0
Philippines	4	1
Rwanda	1	0
Saudi Arabia	3	2
Serbia	1	0
South Sudan	1	0
Sri Lanka	1	1
Sudan	3	0
Thailand	1	1
Turkey	2	1
Ukraine	1	1
United Kingdom of Great Britain and Northern Ireland	2	2
United Republic of Tanzania	1	0
United States of America	2	1
Uzbekistan	1	1
Viet Nam	2	1

10. These communications concerned 287 alleged victims of which 182 are male, 56 are female and 49 others.

11. In preparing the statistics included in this report, uniform reporting periods have been used, reflecting all communications sent between 1 December 2016 and 28 February 2017, and responses received in relation to these communications up to 30 April 2017.

Communications and replies by mandate

Mandate	Reporting period 1 December 2016 to 28 February 2017			Reporting period 1 June 2006 to 28 February 2017		
	Communications sent	replied to by 30 April 2017	response rate	Communications sent	replied to by 30 April 2017	response rate
African Descent	1	1	100%	22	14	64%
Albinism	0	0	0%	5	0	0%
Arbitrary Detention (+)	34	15	44%	1413	780	55%
Belarus*	0	0	0%	10	7	70%
Burundi**	0	0	0%	6	0	0%
Business	1	1	100%	86	48	56%
Cambodia	0	0	0%	31	6	19%
Central African Republic	0	0	0%	1	0	0%
Cultural rights	3	2	67%	76	55	72%
Democratic People's Republic of Korea	0	0	0%	9	1	11%
Disability	7	3	43%	36	18	50%
Disappearances (+)	15	5	33%	361	161	45%
Education	4	3	75%	72	45	63%
Environment	5	2	40%	57	31	54%
Eritrea	0	0	0%	2	0	0%
Executions	20	6	30%	1297	625	48%
Food	2	1	50%	222	91	41%
Foreign debt	2	1	50%	21	12	57%
Freedom of opinion and expression	50	22	44%	2776	1462	53%
Freedom of peaceful assembly and of association	37	17	46%	1045	605	58%
Haiti	1	0	0%	12	3	25%
Hazardous substances***	2	0	0%	74	46	62%
Health	21	9	43%	594	350	59%
Housing	7	5	71%	316	158	50%
Human rights defenders	47	21	45%	3038	1705	56%
Independence of judges and lawyers	2	0	0%	1148	630	55%
Indigenous peoples	10	4	40%	409	244	60%
Internally displaced persons	2	0	0%	24	10	42%
International order	2	1	50%	30	23	77%
International solidarity	0	0	0%	12	12	100%

Mandate	Reporting period 1 December 2016 to 28 February 2017			Reporting period 1 June 2006 to 28 February 2017		
	Communications sent	replied to by 30 April 2017	response rate	Communications sent	replied to by 30 April 2017	response rate
Islamic Republic of Iran	10	3	30%	147	79	54%
Liberia	0	0	0%	2	0	0%
Mercenaries	0	0	0%	73	28	38%
Migrants	13	9	69%	247	160	65%
Minority issues	11	5	45%	242	143	59%
Myanmar	2	1	50%	109	55	51%
Older persons	0	0	0%	2	2	100%
Palestinian territories occupied since 1967	1	0	0%	42	8	19%
Poverty	7	6	86%	66	49	74%
Privacy	0	0	0%	17	16	94%
Racism	6	5	83%	128	79	62%
Religion or belief	8	3	38%	443	267	60%
Sale of children	2	1	50%	61	23	38%
Sexual orientation and gender identity	0	0	0%	1	0	0%
Slavery	4	3	75%	46	27	59%
Somalia	0	0	0%	19	6	32%
Sudan	3	0	0%	36	6	17%
Terrorism	5	2	40%	283	134	47%
Torture	30	13	43%	2175	1179	54%
Trafficking in persons	2	0	0%	78	45	58%
Truth, justice, reparation and guarantees of non-recurrence	1	1	100%	41	25	61%
Unilateral coercive measures	0	0	0%	2	2	100%
Violence against women	4	2	50%	540	289	54%
Water and sanitation	3	1	33%	85	55	65%
Women in law and in practice	6	3	50%	186	93	50%

(*) mandate re-established in June 2012, (**) mandate terminated, (***) mandate name changed from 'toxic waste'

(+) These figures do not include communications on standard cases sent to Governments by the Working Group on arbitrary detention and the Working Group on enforced or involuntary disappearances.

Please note: Totals are higher than the actual number of communications sent or replies received in the given period, as many communications are sent jointly by two or more mandate holders.

II. Communications sent and replies received

Communications sent between 1 December 2016 and 28 February 2017 and their replies received until 30 April 2017. Also all replies received during this period to communications sent before 1 December 2016

12. All communications and their replies are available through Special Procedures communications website at the link

<https://spcommreports.ohchr.org>

Appendix

Mandates of special procedures (until 31 March 2017)

<i>Mandate title</i>	<i>Human Rights Council resolution</i>
Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context	34/9
Working Group of Experts on people of African descent	27/25
Independent Expert on the enjoyment of human rights of persons with albinism	28/6
Working Group on Arbitrary Detention	33/30
Special Rapporteur on the situation of human rights in Belarus	32/26
Special Rapporteur on the situation of human rights in Cambodia	30/23
Independent Expert on the situation of human rights in Central African Republic	33/27
Independent Expert on capacity-building and technical cooperation with Côte d'Ivoire	26/32
Special Rapporteur in the field of cultural rights	28/9
Independent expert on the promotion of a democratic and equitable international order	27/9
Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea	34/24
Special Rapporteur on the rights of persons with disabilities	26/20
Special Rapporteur on right to development	33/14
Special Rapporteur on the situation of human rights in Eritrea	32/24
Working Group on Enforced or Involuntary Disappearances	27/1
Independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of human rights, particularly economic, social and cultural rights	34/3
Special Rapporteur on the right to education	26/17
Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment	28/11
Special Rapporteur on extreme poverty and human rights	26/3
Special Rapporteur on the right to food	32/8
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression	34/18
Special Rapporteur on the rights to freedom of peaceful assembly and of association	32/32

<i>Mandate title</i>	<i>Human Rights Council resolution</i>
Special Rapporteur on freedom of religion or belief	31/16
Independent Expert on the situation of human rights in Haiti (Mandate formally closed by HRC President Statement : PRST 34/1)	PRST 25/1
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health	33/9
Special Rapporteur on the situation of human rights defenders	34/5
Special Rapporteur on the independence of judges and lawyers	26/7
Special Rapporteur on the rights of indigenous peoples	33/12
Special Rapporteur on the human rights of internally displaced persons	32/11
Special Rapporteur on the situation of human rights in the Islamic Republic of Iran	34/23
Independent Expert on the situation of human rights in Mali	34/39
Working Group on the use of mercenaries	33/4
Special Rapporteur on the human rights of migrants	34/21
Special Rapporteur on minority issues	34/6
Special Rapporteur on the situation of human rights in Myanmar	34/22
Independent Expert on the enjoyment of all human rights by older persons	33/5
Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967	5/1
Special Rapporteur on the right to privacy	28/16
Special Rapporteur on the promotion of truth, justice, reparation & guarantees of non-recurrence	27/3
Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance	34/35
Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material	34/16
Special Rapporteur on contemporary forms of slavery	33/1
Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity	32/2
Independent Expert on human rights and international solidarity	26/6
Independent Expert on the situation of human rights in the Sudan	33/26
Independent Expert on the situation of human rights in Somalia	33/17
Special Rapporteur on extrajudicial, summary or arbitrary executions	26/12

<i>Mandate title</i>	<i>Human Rights Council resolution</i>
Special Rapporteur on the situation of human rights in the Syrian Arab Republic	S-18/1
Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism	31/3
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment	34/19
Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes	27/23
Special Rapporteur on trafficking in persons, especially women and children	26/8
Working Group on the issue of human rights and transnational corporations and other business enterprises	26/22
Special Rapporteur on the negative impact of the unilateral coercive measures on the enjoyment of human rights	27/21
Special Rapporteur on violence against women, its causes and consequences	32/19
Working Group on the issue of discrimination against women in law and in practice	32/4
Special Rapporteur on the human rights to safe drinking water and sanitation	33/10



General Assembly

Distr.: General
2 June 2017

Original: English

Human Rights Council

Thirty-fifth session

6-23 June 2017

Agenda item 9

**Racism, racial discrimination, xenophobia and related
forms of intolerance, follow-up to and implementation
of the Durban Declaration and Programme of Action**

Report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action on its fourteenth session*

Note by the Secretariat

The Secretariat has the honour to transmit the report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action on its fourteenth session from 5 to 14 October 2016. The report was prepared pursuant to Council resolution 34/34.

* The present report was submitted after the deadline in order to reflect the most recent developments.

GE.17-08988(E)



* 1 7 0 8 9 8 8 *

Please recycle



Report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action on its fourteenth session

I. Introduction

1. The present report is submitted by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action in accordance with Human Rights Council resolution 34/34.

II. Organization of the session

2. The Working Group held its fourteenth session from 5 to 14 October 2016. Participants discussed and shared views on the state of racial discrimination worldwide, and measures to enhance the effectiveness of the follow-up mechanism to the Durban Declaration and Programme of Action and to ensure better synergies in the work of those mechanisms. The Working Group reviewed the progress achieved on the programme of activities for the implementation of the International Decade for People of African Descent and on the implementation of recommendations adopted at its previous session. Experts' presentations were followed by interactive discussions. The Working Group adopted conclusions and recommendations on the above-mentioned themes.

A. Attendance

3. The session was attended by representatives of States Members of the United Nations, observers from non-member States and observers from intergovernmental and non-governmental organizations.

4. Under items 5 and 6 of the programme of work, presentations were made by Ricardo Sunga III, Chair of the Working Group of Experts on People of African Descent, and two members of the group of independent eminent experts, Hanna Suchocka and Edna Maria Santos Roland.

5. Under item 9 of the programme of work, presentations were made by: Julia Suárez Cabrera, Director of Legislative Analysis and International Affairs at the National Council for the Prevention of Discrimination of Mexico; Rokhaya Diallo, writer and film director; Myriam Cottias, historian; and Michael McEachrane, scholar and activist in the area of human rights and anti-racism.

B. Opening of the session and election of the Chair-Rapporteur

6. The Permanent Representative of Sierra Leone to the United Nations Office and other international organizations in Geneva, Yvette Stevens, was elected Chair-Rapporteur by acclamation.

C. Adoption of the agenda and programme of work

7. After the election of the Chair-Rapporteur, the Working Group adopted the programme of work for its fourteenth session.

D. Statements

8. The representative of Pakistan, on behalf of the Organization of Islamic Cooperation, reaffirmed the latter's commitment to ensure the universal and effective

implementation of the Durban Declaration and Programme of Action. She noted that racial discrimination was the worst form of human rights violation, and expressed the Organization's concern regarding the prevalence and rise of contemporary forms of racism and racial discrimination worldwide, such as Islamophobia, which led to marginalization and stigmatization. She noted that 15 years after the adoption of the Durban Declaration and Programme of Action, the world was still facing enormous challenges despite all the achievements. She noted that tolerance, pluralism and respect for diversity were core values that could foster more inclusive societies.

9. The representative of South Africa, speaking on behalf of the African Group, noted that, despite progress in the fight against racism, racial discrimination, xenophobia and related intolerance, much remained to be done. She pointed to the negative impact that the legacy of slavery and colonialism had had on human dignity.

10. The representative of Brazil noted that all participants should take the opportunity to address the remaining challenges in order to make the International Decade for People of African Descent effective. She also pointed out that in 2015 Brazil had held the Regional Meeting of Latin America and the Caribbean on the International Decade for People of African Descent.

11. The representative of the European Union reiterated that organization's strong commitment to the fight against racism, racial discrimination, xenophobia and related intolerance worldwide. The representative noted that it cooperated with all relevant international organizations and emphasized that there was an ongoing dialogue with more than forty countries. The fight against racism was an issue that concerned the entire international community. Therefore, a multilateral approach was needed. Priority should be given to the effective implementation of existing international human rights law, in particular the International Convention on the Elimination of All Forms of Racial Discrimination, in particular as its full implementation remained a challenge for many.

12. The representatives of Belgium and Italy supported the statement made by the representative of the European Union. Both representatives advocated for stronger efforts at the local, national and international levels with a view to combat racism. Therefore, the representatives of Italy and Belgium outlined several of their national experiences in combating racism and reiterated that their countries were fully committed to the implementation of the Durban Declaration and Programme of Action.

13. The representative of the Bolivarian Republic of Venezuela highlighted the important role the International Decade for People of African Descent could play as an important platform to raise awareness of the history, experiences and contributions of people of African descent.

14. The representative of Libya noted that there were issues that still needed to be addressed to ensure the elimination of racial discrimination. He expressed concerns regarding religious discrimination, in particular Islamophobia, and called for international cooperation in order to address discrimination against migrants.

15. The representative of the Dominican Republic, on behalf of the Community of Latin American and Caribbean States, reaffirmed the latter's commitment to eradicate racial discrimination. The representative underlined that the region was made up of a multi-ethnic, multicultural, multilingual and very diverse population. The Community of Latin American and Caribbean States supported the International Decade for People of African Descent, in particular the creation of a forum for people of African descent.

16. The representative of International-Lawyers.Org, a non-governmental organization, reiterated its support for the work of the Working Group. However, he was disappointed by the lack of initiatives on the occasion of the commemoration of the fifteenth anniversary of the adoption of the Durban Declaration and Programme of Action. He noted that racism was a threat to peace, stability and human rights.

17. The representative of the International Youth and Student Movement for the United Nations urged non-governmental organizations to enhance all Durban follow-up mechanisms.

III. Discussion on the state of racial discrimination worldwide

18. Mr. Sunga referred to the previous report of the Working Group that had been submitted to the Human Rights Council at its thirty-first session in February 2016 (A/HRC/31/75). He noted that, despite the fact that some States had taken steps to improve the protection of the rights of people of African descent, considerable effort was still needed to improve the situation.

19. Fifteen years after the Durban Conference, the international community was witnessing an alarming increase in racism, "Afrophobia", racial discrimination, xenophobia and related intolerance. Furthermore, he expressed his concerns about racist discourse being increasingly used against migrants, refugees and asylum seekers by some politicians and political parties.

20. Mr. Sunga noted that the challenge was to ensure the effective implementation of the Durban Declaration and Programme of Action and the programme of activities for the implementation of the International Decade for People of African Descent and to maintain a specific focus on such people as a particular group. In that regard, he encouraged Member States to fully implement the programme of activities for the Decade.

21. Mr. Sunga underscored the role education must play in shedding new light on the contribution of persons of African descent when it comes to positive developments around the world. He stressed the need to eradicate negative stereotypes. Justice was an essential instrument in achieving reparations, which included elements of restitution, compensation and satisfaction.

22. Mr. Sunga noted the clear linkage between racism and poverty, and outlined that the poorest population group was disproportionately composed of people of African descent, and advocated for the establishment of a forum for people of African descent with the participation of all States, specialized agencies, civil society and all other stakeholders.

23. Finally, he pointed to the possibility of holding one of the sessions of the Working Group of Experts on People of African Descent somewhere other than Geneva with the goal of increasing the participation of civil society.

24. Ms. Santos Roland gave a presentation on data collection in Brazil and analysed the connection between race and political participation. She underscored the importance of collecting data in order to identify the issues that needed to be addressed, bearing in mind that lack of reliable information entailed difficulties in developing policy.

25. She noted that policies on affirmative action should be implemented in order to reverse the underrepresentation of persons of African descent in political life.

26. Ms. Suchocka pointed to the important role that education had to play in overcoming the prejudices that still existed in all societies and countries. Education at different levels, including specialized educational programmes, could be an important tool to combat hate speech and discrimination based on religion.

27. The Chair-Rapporteur shared with all participants a statement by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere.

28. Mr. Ruteere noted that xenophobia had become the currency with which political elites seek to purchase popular appeal as a preferred ticket to political power. In a context in which refugees and migrant movements were increasing, public fears over terrorism and economic pressures had been used by those keen on blaming refugees and migrants. He called for national measures, such as hate crime legislation and effective prosecutions, to combat xenophobic discrimination and violence. He underscored the importance of a contextualized examination of the problems in designing and implementing policies and programmes to promote diversity and inclusion.

29. During the discussion that followed, the representative of Brazil stressed the importance of collecting disaggregated data in order to identify how Governments could address structural discrimination and promote equality in a sustainable way.

30. The representative of South Africa noted that racism not only continued to exist, but that it was increasing. Xenophobia was an issue that affected all regions of the world. She noted that challenges still remained, while expressing her hope that during the present session the working group would move forward on enhancing efforts to combat racism.

31. The representative of the European Union pointed to the work that had been done in Europe in order to fight racism. The representative referred in particular to the development of a legal framework, the criminalization of hate speech and incitement to violence and, more recently, the appointment by the European Commission of coordinators on combating anti-Semitism and anti-Muslim hatred. The coordinators served as contact points for affected communities and cooperated by developing strategies to combat racism and hate speech.

32. The representative of Pakistan agreed that, despite all efforts, the problem of racism was growing and expanding across all regions.

IV. Discussion on measures to be taken to enhance the effectiveness of the follow-up mechanism to the Durban Declaration and Programme of Action and to ensure better synergies and complementarities in the work of these mechanisms, in accordance with paragraph 124 of the Outcome Document of the Durban Review Conference

33. In accordance with paragraph 13 of General Assembly resolution 70/140, the Working Group invited the group of independent eminent experts to participate in its fourteenth session with a view to ensure the effective participation and optimal utilization of its mandate. The Working Group and the group of independent eminent experts discussed challenges that the latter faced in effectively contributing to the fight against racism, racial discrimination, xenophobia and related intolerance and the full implementation of the Durban Declaration and Programme of Action.

34. Ms. Suchocka reminded participants that the group of independent eminent experts was established by the Durban Declaration and Programme of Action, however, its role had not been clearly described. There was a lack of clarity concerning its function and mandate, both as individuals and as a group.

35. The group of independent eminent experts could have contributed to various reports on racism, racial discrimination, xenophobia and related intolerance that had been submitted to the General Assembly and the Human Rights Council, but until then the group had not been involved in such work.

36. The individual roles of the independent eminent experts should also be decided upon, as well as the geographical areas that their individual mandates cover. Ms. Suchocka called for the appointment of the remaining experts in order to work more effectively. The mandate of the group should be comprehensively reviewed and amended with the inclusion of clear objectives.

37. There was a lack of coordination among the independent eminent experts and suggested that their roles could be organized in a different way in order to ensure that they were acting as a group. In that regard, she requested that human and financial resources should be made available for that purpose. She reminded participants that the Durban Programme of Action had mandated the independent eminent experts to follow up on its implementation, however, the human and material conditions for those tasks were not given.

38. The representative of the European Union asked what the added value of changing the mandate of the group of independent eminent experts would be. She also asked if it were indeed necessary to dedicate more resources to that end, as there were also other mechanisms in existence. The European Union was concerned that such an undertaking could lead to a duplication of functions.

39. The representative of the International Youth and Student Movement for the United Nations noted that one of the greatest problems was that the general public had not been made more aware of the Durban Declaration and Programme of Action. In order to do that, the independent eminent experts should play an increasing role in publicizing and spreading information about the Durban Declaration and Programme of Action, for instance, by attending meetings or going on country visits to engage with Governments and non-governmental organizations.

40. The representative of the European Union noted that more time should be given between the respective sessions of the Human Rights Council and the Working Group to allow better preparation and ensure optimal participation of the delegations. She underscored that there should be no duplication of work and that all the programmes should be harmonized. The European Union also proposed postponing consideration of agenda item 6 until a future session. She also suggested reducing the meeting days of the Working Group.

41. Several delegations recalled that it was necessary to establish a forum for people of African descent. The representative of the Bolivarian Republic of Venezuela supported the statements made by the representatives of Pakistan and South Africa. The forum could be a new venue to address issues that had not been discussed. He also reiterated his support for all existing mechanisms that addressed the struggle against racism. Several delegations discussed the necessary clarification of the mandate of the group of independent eminent experts.

V. Review of the progress achieved concerning the programme of activities for the implementation of the International Decade for People of African Descent

42. Ms. Suárez Cabrera presented a progress report on the achievements of Mexico in implementing measures to combat racism and racial discrimination, acknowledging that the launch of the International Decade for People of African Descent had been an important moment.

43. She emphasized the first-time inclusion of the category "persons of African descent" in the census in 2015. The census had contained a question that included elements of culture, history and tradition in order to count people who identified themselves as Afro-Mexicans or persons of African descent. According to that survey, there were 1.4 million people who identified themselves as Afro-Mexicans or persons of African descent, representing 1.2 per cent of the national population. She stressed that it was a fundamental step forward in making African descent visible.

44. National legal framework and policies to fight racism had been strengthened and that mechanisms had been established that dealt with reparation and non-repetition measures. Administrative measures had also been taken to address the structural causes of racism.

45. Progress had also been made in regional and local laws against discrimination; 31 of the 32 regions had anti-discrimination legislation. Also, most of them had local constitutional clauses that included provisions on discrimination on the basis of race, language, colour, and national or ethnic background.

46. Mexico had rolled out measures aimed at recognizing the collective rights of Afro-Mexican people. A national plan for equality and non-discrimination had been launched in order to ensure equal access to human rights and foster cultural change and add value to cultural diversity. Efforts had also been taken, with the support of academia, in order to revise the Mexican legal framework in order to identify and eliminate the remaining discriminatory standards and to recognize international human rights norms and standards.

47. A working group had been established to follow up on the recommendations of the Committee on the Elimination of Racial Discrimination and the provisions of the

programme of activities for the implementation of the International Decade for People of African Descent.

48. As regards achieving greater knowledge of the legacy and culture of people of African descent, she highlighted the creation of a national programme to conduct research on the cultural diversity and history of people of African descent. In addition, a network for interdisciplinary research on identity, racism and xenophobia had been launched, the mandate of which was focused on providing tools to formulate public policies to foster a culture of respect and diversity. The first site commemorating slavery within the context of the International Day for the Remembrance of the Slave Trade and its Abolition was recently established.

49. During the discussion that followed the presentation of the progress report, the representative of non-governmental organizations welcomed all the efforts and progress made in Mexico as it has been one of the last countries in South America to give formal recognition to people of African descent. He added that further efforts were needed.

50. The representative of the European Union noted that there were countries in Europe that had not recognized collective rights based on ethnicity.

51. The representative of South Africa emphasized the idea of self-identification and noted that in her country the term "black" referred to a wide group of different communities, such as mixed South Africans, and those of Asian and even European descent. She said that it was important to allow people to identify themselves in a way that promoted social cohesion.

52. Following the discussion on that topic, Ms. Diallo delivered her presentation on police violence and the media's representation of persons of African descent in France. She referred to Adama Traoré, who had died while in police custody. That case resembled a number of other cases that had occurred during the previous few years and had resulted in protests. She also talked about identity checks and their disproportionate focus on youth, in particular persons of African or Arab descent. A review of the identity checks had led to fewer complaints and more effective policing; however, the changes had been discontinued and there had been a return to old practices, she said.

53. The presentation also contained details of the portrayal of the non-white population in media, including the prevalence of negative stereotyping. A number of positive measures, such as quotas, were necessary to ensure increased representation in the media sector, including subsidies for the creation of diverse media outlets, public space for local associations established to combat racial discrimination and the use of appropriate phraseology, among other steps.

54. Ms. Cottias presented an overview of the linkages between slavery and colonialism, and racial discrimination, pointing out that the slavery introduced by colonial powers was racially biased. Slavery under colonialism built the racial categories currently known as "black" and "white", emphasizing that those terms were not used before the spread of colonialism. In that regard, she questioned the use of such a categorization, highlighting the need to deconstruct the power relations it entailed, which had been built up during that historical period.

55. She recommended paying particular attention to education, including that on past tragedies, such as slavery and the transatlantic slave trade. She believed that the International Decade for People of African Descent gave an excellent opportunity to build and share knowledge of the past.

56. Mr. McEachrane noted that the most comprehensive study on minority discrimination in Europe had shown that persons of African descent were, together with Roma, the most discriminated against group in the region. There had been an alarming increase in discrimination, such as extreme racial segregation of people of African descent and rampant police violence against African Americans. The negative and unfair legacies of colonialism had led to pervasive racial discrimination.

57. He emphasized that the International Decade for People of African Descent was not merely important for those of African descent, but could serve to break down racial

hierarchies and increase social cohesion and respect for human dignity and rights, without discrimination. He reminded all States not to treat discriminatory incidents as isolated events, but to address them as a structural problem, as was done in the Durban Declaration and Programme of Action and the International Convention on the Elimination of All Forms of Racial Discrimination.

58. He highlighted the importance of creating networks to assist the implementation of the International Decade for People of African Descent. The European, North American and Central Asian regional conference for the Decade could be an appropriate opportunity to further build and strengthen the relevant civil society networks and campaigns. He shared several recommendations on further progress in that regard.

59. The representative of the United States of America reaffirmed the country's commitment to promoting racial and ethnic equality to mark the International Decade for People of African Descent. The representative shared the country's experiences in a report on best practices to help law enforcement agencies, in which the authors examined the barriers to advancing diversity in law enforcement and highlighted promising practices in recruitment, hiring and retention. The report underlined the inauguration in 2016 of the National Museum of African American History and Culture, and other achievements in education and housing.

VI. Conclusions and recommendations

A. Discussion on the state of racial discrimination worldwide

60. The Working Group:

(a) Reaffirms its commitment to the full and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, the Durban Declaration and Programme of Action, the Outcome Document of the Durban Review Conference and the Political Declaration from the tenth anniversary of the Durban Declaration and Programme of Action. It also reaffirms the fundamental importance of universal accession to, or ratification of, the International Convention on the Elimination of All Forms of Racial Discrimination;

(b) Notes with deep concern that racism, racial discrimination, xenophobia and related intolerance have been increasing all over the world, and points out that efforts to combat their spread should be enhanced at international, regional and national levels;

(c) Recognizes that victims of racism, racial discrimination, xenophobia and related intolerance can suffer from multiple, aggravated or intersecting forms of discrimination based on other related grounds, such as age, sex, language, religion, political or other opinion, social origin, property, disability, birth or other status;

(d) Expresses its deep concern about continued religious intolerance against certain religious communities, as well as the emergence of hostile acts and violence against such communities because of their religious beliefs and their racial or ethnic origin in various parts of the world, which in particular limit their right to freely practice such beliefs;

(e) Also expresses concern with regard to the increase of hate speech, hate crimes, neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial or national prejudice in all parts of the world, which fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in particular against migrants, refugees and asylum seekers;

(f) Stresses the need to counter extremist political parties, movements and groups, and invites Member States to develop a comprehensive approach based on a solid legal framework, complemented by other measures, including key policy measures such as education and awareness-raising programmes, and a victim-centred approach;

(f) Calls upon Member States to elaborate and implement short-, medium- and long-term effective measures to prevent and combat racism, racial discrimination, xenophobia and related intolerance, including national strategies and/or action plans to address challenges and bring positive change on the ground;

(h) Underlines the key role that politicians and political parties can play in combating racism, racial discrimination, xenophobia and related intolerance and encourages political parties to take concrete steps to promote equality, solidarity and non-discrimination in society, *inter alia*, by developing voluntary codes of conduct that include internal disciplinary measures for violations thereof, on their members refrain from public statements and actions that encourage or incite racism, racial discrimination, xenophobia and related intolerance;

(i) Recalls that manifestations of xenophobia and religious intolerance violate the core principles of human rights. It invites Member States to adopt effective measures to combat xenophobia and religious intolerance, in particular against migrants, refugees and asylum seekers;

(j) Urges Member States to implement paragraph 150 of the Durban Programme of Action;

(k) Also urges Member States to collect, compile, analyse, disseminate and publish reliable statistical data at the national and local levels, and to undertake all other related measures that are necessary to assess regularly the situation of individuals and groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance. Such statistical data should be disaggregated in accordance with national legislation. Any such information shall, as appropriate, be collected with the explicit consent of the victims based on their self-identification and in accordance with provisions on human rights and fundamental freedoms, such as data protection regulations and privacy guarantees. This information must not be misused;

(l) Invites Member States to implement effective measures, in accordance with article 5 (c) of the International Convention on the Elimination of All Forms of Racial Discrimination, ensuring equality with regard to political rights, in particular the rights to participate in election: — to vote and to stand for election — on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

(m) Reaffirms that cultural diversity is an asset for the advancement and welfare of humanity at large and should be valued, enjoyed, genuinely accepted and embraced as a permanent feature that enriches our societies.

II. Measures to be taken to enhance the effectiveness of the follow-up mechanism to the Durban Declaration and Programme of Action and to ensure better synergies and complementarities in the work of these mechanisms, in accordance with paragraph 124 of the Outcome Document of the Durban Review Conference

61. The Working Group:

(a) Recalls its conclusions and recommendations, made during its seventh session, on its effectiveness in the framework of Human Rights Council resolution 11/12;

(b) Requests that the necessary arrangements be made to ensure that there is sufficient time between its sessions and those of the Human Rights Council to allow for better preparation and to ensure optimal participation. In this regard, it requests that the Office of the United Nations High Commissioner for Human Rights (OHCHR), after consultation with conference services at the United Nations Office at Geneva, propose new dates for the upcoming session of the Working Group;

(c) Decides to invite the members of all the relevant mechanisms to participate in its annual sessions to discuss issues pertaining to the fight against racism, racial discrimination, xenophobia and related intolerance, including the challenges they face in their work;

(d) Recommends that OHCHR continue to facilitate the participation of experts in the annual sessions of all the Durban follow-up mechanisms, and to provide advice with a view to contribute to discussions on the implementation of the Durban Declaration and Programme of Action;

(e) Invites Member States, international and non-governmental organizations and individuals, as well as donors in a position to do so, to contribute to this end, thereby undertaking activities for the effective implementation of the Durban Declaration and Programme of Action;

(f) Invites OHCHR to take measures in accordance with paragraph 193 of the Durban Programme of Action for the appointment and designation of goodwill ambassadors in all countries of the world in order, *inter alia*, to promote respect for human rights and a culture of tolerance and to increase the level of awareness of the scourge of racism, racial discrimination, xenophobia and related intolerance;

(g) Urges the High Commissioner for Human Rights to continue his efforts to increase awareness of racism, racial discrimination, xenophobia and related intolerance and to encourage his Office to intensify its collaboration with international and regional bodies dealing with the fight against these phenomena;

(h) Recognizes the importance of continued efforts aimed at improving the efficiency and effectiveness of Durban follow-up mechanisms, and commits to increase efforts aimed at avoiding overlapping and/or duplication of initiatives;

(i) Decides to keep this agenda item under consideration.

C. Review of progress achieved concerning the implementation of recommendations adopted by the Working Group at its previous session

62. The Working Group:

(a) Takes note of the various contributions made by Member States under this agenda item;

(b) Reaffirms the importance of assessing the level of implementation of its recommendations, sharing practices and discussing challenges and the way forward. The Working Group encourages Member States to make full use of the opportunity offered by discussion of this agenda item;

(c) Decides that, with a view to better structure the discussion under this agenda item, for its future sessions, it will engage in such a discussion on the basis of a working document prepared by OHCHR. Such a document should include a compilation of the implementation by Member States and other relevant stakeholders of recommendations from the previous session and an outline/analysis of major trends and challenges;

(d) Requests, in this regard, that OHCHR circulate the report after each session and invite all Member States, international and regional organizations, national human rights institutions and equality bodies, and civil society organizations to submit relevant information to serve as a basis for discussions;

(e) Reaffirms the importance of the recommendations on the commemoration of the fifteenth anniversary of the adoption of the Durban Declaration and Programme of Action;

(f) Recognizes that much remains to be done to commemorate the fifteenth anniversary of the Durban Declaration and Programme of Action and invites Member

States, UNHCR, civil society and all other actors to engage with efforts to commemorate — in a highly visible manner — the fifteenth anniversary of the adoption of the Durban Declaration and Programme of Action.

B. Review of the progress achieved concerning the programme of activities for the implementation of the International Decade for People of African Descent

6.1. The Working Group:

(a) Welcomes steps taken to implement the programme of activities for the implementation of the International Decade for People of African Descent, including those contained in the report of the Secretary-General to the General Assembly (A/71/299);

(b) Calls, in accordance with the political declaration adopted during the commemoration of the tenth anniversary of the Durban Declaration and Programme of Action and the proclamation of the International Decade for People of African Descent, for a stronger mobilization of political will in combating racism, racial discrimination, xenophobia and related intolerance against people of African descent;

(c) Encourages Member States that have not already done so to establish national legislative frameworks and develop national policies and mechanisms for people of African descent, in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination, the Durban Declaration and Programme of Action and the programme of activities for the implementation of the International Decade for People of African Descent. In this regard, the Working Group urges Member States, as appropriate, to revise their legislation and/or repeal discriminatory effects therein, and adopt public policies aiming at promoting and protecting all the human rights of people of African descent;

(d) Also encourages Member States to take positive measures to eliminate the conditions that cause or contribute to the perpetuation of racial discrimination against, and exclusion of, people of African descent in all spheres of public life, including the adoption of, where appropriate, policies on affirmative action in the Member States in which they live, and to pay particular attention to the situation of women and girls of African descent who face compounded forms of discrimination;

(e) Further encourages Member States that have not yet done so to seize the opportunity offered by the International Decade for People of African Descent to elaborate — in order to address the human rights situation of people of African descent — national action plans against racial discrimination aiming at removing obstacles to the enjoyment of their human rights;

(f) Encourages Member States to establish mechanisms to follow up and implement recommendations relating to people of African descent emanating from international mechanisms such as the Committee on the Elimination of Racial Discrimination and other treaty bodies, Special Procedures, the universal periodic review and relevant regional mechanisms;

(g) Also encourages Member States to promote activities aimed at promoting greater knowledge of, and respect for, the culture, history and heritage of people of African descent and to take all the necessary measures to give full effect to the rights of people of African descent to equal access to all levels and forms of quality education without discrimination. In this regard, it reiterates all its relevant recommendations adopted during its sixth session with regard to the role of education in combating racism, racial discrimination, xenophobia and related intolerance;

(h) Re-emphasizes the important role of formal and non-formal education in deconstructing prejudice, overcoming negative perceptions, and enhancing understanding and social cohesion. To this end, it encourages Member States to implement educational activities and measures, including human rights training at

various levels and in different sectors, to prevent and combat effectively racism, racial discrimination, xenophobia and related intolerance;

(i) Encourages Member States to ensure that history is accurately portrayed in education so as to avoid stereotypes and distortion or falsification of historical facts, which may lead to racism, racial discrimination, xenophobia and related intolerance;

(j) Notes the complex linkages between education and identity-building and conflicts. In this regard, it encourages Governments to ensure that textbooks and other educational materials accurately reflect historical facts, as they relate to past tragedies and atrocities, in particular those falling within the categories listed in paragraph 99 and other relevant paragraphs of the Durban Declaration;

(k) Reaffirms that racial discrimination in the administration of justice subverts the rule of law, undermines faith in the legal system and results in victimization of people of African descent by the very institutions responsible for their protection. They all too often experience discrimination in access to justice and face alarmingly high rates of police violence, with racial profiling acting as an aggravating factor during sentencing. The Working Group reminds Member States that these practices are unlawful and constitute a violation of human rights, and the necessary steps should be taken accordingly to combat racial discrimination against people of African descent at all stages of the justice system;

(l) Recommends to the President of the Human Rights Council that in 2017 the theme of the International Day for the Elimination of Racial Discrimination should be racial discrimination in the administration of justice;

(m) Acknowledges that various actors have a positive role to play in combating racism, racial discrimination, xenophobia and related intolerance and, more specifically, in the programme of activities for the implementation of the International Decade for People of African Descent. It recognizes that among these actors, the media and other principal actors, such as the national human rights institutions and equality bodies and law enforcement institutions, have a crucial role to play in the fight against racism, racial discrimination, xenophobia and related intolerance. It remains convinced that these institutions — with a view to fully fulfilling their role with regard to combating racism and effectively addressing the needs of discriminated groups, such as people of African descent — should be as diverse as the society in which they operate;

(n) Takes note of the various recommendations made by panellists with regard to the role of media in realizing the objectives of the International Decade for People of African Descent, and shares the view that further efforts should be undertaken with a view to addressing several important issues related to it, such as the under-representation of people of African descent in the media, the stigmatization of people of African descent and other minority communities in the media, the lack of adequate responses to racist or hate speech, capacity-building for media professionals to enable them to be more responsive to such speech and also the need to enlist the help of goodwill ambassadors and strong media personalities to reverse the prevailing practices in the media sector;

(o) Encourages OHCHR to strengthen its capacity-building activities directed to the media, in particular with regard to combating hate speech and incitement to violence and racial hatred;

(p) Decides that the role of media needs to be analysed further and should be discussed at one of its future sessions;

(q) Expresses its gratitude to the Government of Brazil for hosting and facilitating the Regional Meeting of Latin America and the Caribbean on the International Decade for People of African Descent, and takes note of the outcome document of the meeting, in which representatives agreed to a number of important conclusions;

(r) Encourages OHCHR, together with the countries of the regions and their respective regional organizations, to start preparations for the next regional meeting for Europe, Central Asia and North America. It also encourages the organizers to involve civil society organizations in such preparations and to make sure that all steps are taken to maximize participation;

(s) Regrets that since the launch of the International Decade for People of African Descent, the trust/special funds established by the General Assembly, which will allow for funding of activities not covered by the budgets already allocated, remain inactive due to lack of contributions. It encourages all Member States, intergovernmental and non-governmental organizations, private institutions and individuals, and other donors in a position to do so, to contribute generously to the programme of activities for the implementation of the International Decade for People of African Descent;

(t) Emphasizes that the establishment of a forum for people of African descent should take place as a matter of priority and urgency, and that financial support should be provided so as to guarantee the wide participation of civil society organizations from all regions in such a forum. It recommends to the Human Rights Council to allocate two or three days of the Working Group's annual sessions to this forum, in accordance with paragraph 29 (i) of the programme of activities for the implementation of the International Decade for People of African Descent.

Annex I

List of attendance

Member States

Algeria, Argentina, Belgium, Botswana, Brazil, Burundi, China, Colombia, Congo, Cuba, Czechia, Dominican Republic, Finland, France, Greece, Guatemala, Haiti, Italy, Japan, Kenya, Kuwait, Latvia, Libya, Malaysia, Mexico, Morocco, Namibia, Pakistan, Panama, Portugal, Qatar, Russian Federation, Rwanda, Sierra Leone, Slovakia, South Africa, Syrian Arab Republic, Tajikistan, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Zimbabwe

Non-member States represented by observers

Holy See, State of Palestine

International Organizations

African Union, European Union

Non-governmental organizations in consultative status with the Economic and Social Council

A World Citizen, African Commission of Health Promoters and Human Rights, Arab Commission for Human Rights, Baha'i International Community, International Lawyers, International Youth and Student Movement for the United Nations, Organization of Islamic Cooperation, Rencontre africaine pour la défense des droits de l'homme, World against Racism Network

Annex II

Programme of work

Time	Wednesday 5 October 2016	Thursday 6 October 2016	Friday 7 October 2016
	Item 1: Opening of the session Item 2: Election of the Chair-Rapporteur Item 3: Adoption of the programme of work Item 4: General statement by States and regional groups Statement by civil society organizations Item 5: Discussion on the state of racial discrimination worldwide Presentations by: Ricardo Sunga III, Chair of the Working Group of Experts on People of African Descent Hanna Suchocka and Edna Maria Santos Roland, independent eminent experts	Item 7: Discussion on conclusions and recommendations under items 5 and 6	Item 7 (continued)
Morning session: from 10:00 to 13:00			
	Item 6: Discussion on measures to be taken to enhance the effectiveness of the follow-up mechanism to the Durban Declaration and Programme of Action and to ensure better synergies and complementarities in the work of these mechanisms, in accordance with paragraph 124 of the Outcome Document of the Durban Review Conference Presentations by: Ricardo Sunga III Hanna Suchocka Edna Maria Santos Roland	Item 7 (continued)	
Afternoon session: from 15:00 to 18:00			

Time	Monday 10 October 2016	Tuesday 11 October 2016	Wednesday 12 October 2016	Thursday 13 October 2016	Friday 14 October 2016
Morning session: from 10:00 to 13:00	Item 8: Review of the progress achieved concerning the programme of activities for the implementation of the International Decade for People of African Descent Presentations by: Julia Suárez Cabrera, Director of Legislative Analysis and International Affairs at the National Council for the Prevention of Discrimination of Mexico Rokhaya Diallo, writer and film director	Item 8 (continued) Presentations by: Myriam Cottias, historian Michael McEathrane, scholar and activist in the area of human rights and anti-racism	Item 10 (continued)	Item 11: Discussion and adoption of the conclusions and recommendations of the fourteenth session	Preparation of the report
	Item 8 (continued)	Item 9: Review of progress achieved concerning the implementation of recommendations adopted by the Working Group at its previous session Item 10: Discussion on the conclusions and recommendations under items 5, 6, 8 and 9	Item 10 (continued)	Preparation of the report	Adoption of the report
Afternoon session: from 15:00 to 18:00					